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# THE HISTORY OF A LIFE,

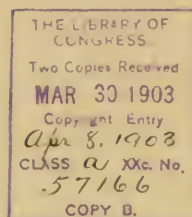
BY

RODERICK E. ROMBAUER.

*"He lives most, who thinks most,  
feels the noblest, acts the best."*

—Bailey.

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## PREFACE.

The scant information which we possess concerning the lives of our ancestors has always been a source of great regret to me. Even in the rare cases where an accurate family register is kept, it is confined to recording the names of persons, the date of their birth, of their marriage and of their death. If the record runs back to medieval times it may record the feat of arms of some, the only feats then deemed of sufficient importance to be recorded. If they were loyal and of sufficient importance to hold office of note, the record makes a brief mention of their offices and dignities. If they were disloyal and of sufficient importance to have their heads cut off in consequence, the record makes brief mention of the cause of their tragic endings. What kind of men and women they were, what they thought and said, and of what benefit, if any, their lives were to their fellowmen, is not deemed of sufficient importance to be recorded.

There is no life so humble but that its accurate history may be of some use to others. To those who like myself are firm believers in heredity, a continued family record, showing the development of traits from generation to generation is not only of great interest, but may be of substantial advantage. These considerations have determined me to write a history of my own life. I have been transplanted from the old to the new world, and hence stand in the position of an American ancestor. Should my progeny survive for generations it may be of interest to them to know, that I too was born, married and died, but that this was not the sum total of my existence. Some of them may, if so inclined, continue this history, and make it a history of generations, a family record worthy of the name.

It is next to impossible to take a just and strictly objective view of ourselves. If we are diffident we are apt to underestimate our merits, and exaggerate our defects. If we are self-assertive and egotistical we are apt to fall into the opposite error. There is however a standard by which our character and attainments may be fairly judged, and that is by our public utterances, and by the public utterances of others concerning ourselves. If we are sincere our utterances reflect our mind and character. If others are sincere their utterances concerning ourselves reflect their estimate of our mind, character and work. Since I am assured of my own sincerity, and have no reason to doubt the sincerity of others whom I shall quote, these expressions, making due allowance for the partiality of friends, and errors in their judgment, are the most satisfactory index to the history of my maturer years, and to what I felt, thought, and accomplished in a long life of somewhat varied experience. The main part of this history consists of my own public utterances concerning men and things, and the public utterances of others concerning myself.

In speaking of myself I shall speak as of a third person, so as to be able to see myself, as far as possible, as others saw me. As to my inner life, and motives which actuated me, matters which were necessarily hid from the observation of others, I will try to be accurate, and impartial.

ST. LOUIS, January 1, 1903.

## LIFE OF RODERICK E. ROMBAUER.

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### HIS CHILDHOOD AND SCHOOLING.

Roderick Emile Rombauer was born on the 9th day of May, 1833, at Schelestó, a small village in the department of Bereg, upper Hungary. He was the third son, and fourth child of Theodore and Bertha. His parents were second cousins and bore the same family name, the family being one of old Saxon stock. Owing to the fact, that the records of the city (Löese) where his forefathers resided, were wholly destroyed during the civil wars in the sixteenth and seventeenth centuries, no authentic records of the earlier history of the family are in existence. The supposition is it came to Hungary, not earlier than in the twelfth and not later than in the fourteenth century. A memorial tablet erected in the principal church of the city, records the merits of one Rombauer (obit 1660) who was city councilman and delegate to Congress, and is the earliest authentic description of any one of that name. A report made by him to his constituency February 23, 1634, written in a bold, clear hand, going fully into the measures then pending before Congress, which report is preserved among the archives of the city, indicates that he was a man of culture and some parts. The Saracen's head, however, which the family carries in its coat of arms, seems to indicate that some more or less remote ancestor of the councilor earned his knighthood in a less peaceful manner than by writing reports.

At the date of Roderick's birth his father was at the head of an extensive iron factory, and director of the enterprise. He was the most prominent man in the village, and of the district for some miles around it. The family

inhabited the most pretentious house in the settlement, which, although of moderate dimension, was called by courtesy, "the castle." In the rear of the house was a flower and vegetable garden, and a park of moderate dimensions.

When four years old the boy was put in charge of a private tutor. He took to learning with no great relish, being a child of fractious disposition and addicted to roaming. His tutor tried to entice him into a successful struggle with the alphabet by the bribe of honey-cakes, but this expedient, while working satisfactorily at first, soon proved too expensive. The honey-cakes were stored with a promise that the next successful recital would increase their size. When the boy, mistrusting this promise, ascertained by successive secret measurements that it was false, he slapped his tutor's face, and was severely punished in consequence.

The playmates and companions of the boy were children of inferior officials, and of the rustics of the neighborhood, and being able to lord it over them he developed an arbitrary and dictatorial disposition which he retained more or less through life. I mention these facts because though it were folly to ascribe to incidents and surroundings alone the moulding of temper and character, we are apt to feel influences which affect our early life throughout its entire course. Thus the insincerity of the tutor, whose deceit he discovered, impressed the boy deeply, and in subsequent years he would forgive and forget almost any other offense, rather than pardon insincerity. His arbitrary disposition was probably innate, but was unquestionably augmented and developed by the fact that his early playmates submitted to his lording it over them.

The ground where the child was born was historic ground. In its close proximity rose the high mountains which separate Hungary from Poland, and through the passes of which the Hungarian host, led by Arpad, had invaded the country a thousand years ago. On a butte

bordering the plain and but a few miles distant, stands the little fortress of Munkács, once the principal stronghold of the Rakoczis, and the place where the heroic Helen Zrinyi, mother of Francis Rakoczi the second surrendered to the Hapsburgs. The streams traversing the country bore the names of the early Hungarian chiefs and heroes, they were clear and rapid, and were cradled in extensive forests of somber pines. It seems natural that roaming through these localities should fill the boy's mind with all kinds of legendary lore — and make him a dreamer, indulging in fancies.

When the boy was six years old his parents removed to Munkács, a town of about 4,000 inhabitants, situated in the same department. They still inhabited what was called by courtesy a castle, but there was at least another house in town which was a castle of greater pretensions, and inhabited by a family of a rank superior to theirs. The boy began to associate with his equals and superiors in the social scale, and his arbitrary disposition met often with a very severe check. He remained in charge of a private tutor until he was nine years of age, had mastered in a way the rudiments of an elementary education, and was deemed sufficiently advanced to enter a grammar school. His next oldest brother, working under the same tutors, was always a more diligent scholar, and on the whole more tractable. At times one or two children of friends of his parents were put in charge of the same tutor. Yet during all the time of private tuition Roderick remained the favorite pupil of his tutors. He did not reflect much on this circumstance then, but has often thought of it since, when later experience taught him the lesson, that our attachment to people is determined by other considerations than those of merit.

The private grammar school in which the boy was placed was a Catholic institution, but was the only one of that kind in the vicinity. It was frequented by the sons of the neighboring gentry, and was carried on much on the



plan of the Yorkshire schools described by Dickens, the main instruments of education consisting of the switch, and whips. Rawhides at that time were fortunately unknown in that section of the country. Flagellation was a thing of daily occurrence. The cruelty of teachers became at last so unbearable that the pupils entered into a conspiracy to desert the school in a body, take to the woods and corn fields and become an organized band of highwaymen. The boys were not familiar with Schiller's "The Robbers," and the oldest of them was hardly twelve years old, but I suppose to meet force by force and violence by violence, is an inborn inclination in every human being. Fortunately the conspiracy was discovered in time. Its beneficial result was the summary dismissal of the most cruel of the teachers and the withdrawal by their parents of many of the pupils from the school, within a short time thereafter. Of both of these events the boy Roderick had the incidental benefit.

Another matter deserves brief mention. Every Sunday and holiday the children were marched to the Catholic church, a building which was in winter cold and uncomfortable, and were there made to listen to chants and recitals, of which they understood never a word, and made to kneel down on the stone flagged floor at stated intervals. Since the boys parents were Protestants, and those of his ancestors who bore arms, bore arms in the Protestant cause, this forced attendance upon a church service, which he regarded more or less idolatrous, made him rebellious against any church authority. It is but fair to say that in later years he very impartially transferred his aversion to compulsory attendance on churches to those of the Protestant creed, and in fact was the only pupil of a large class in a Protestant gymnasium, who refused to be confirmed, a resolution which to the horror of the principal of the school, was confirmed by his father, who wrote: "Let the boy choose his own creed when he is old enough to do so intelligently."

In his eleventh year the boy was first sent away from home to a graded school. His parents had removed to a more southern and western part of Hungary, in the department of Gömör, where his father was in charge of more extensive iron factories, in which he was personally interested. The boy's school years were during the next few years uneventful. He remained, what he had heretofore been, a pupil of indifferent industry, managing usually to hold his place in the middle of the class, until the year 1847-48, by which time his roaming habits and dreaming disposition had increased to an extent, that he fell to the rank of being the last in a class of over sixty. The grief of his father at this result, made a deep and lasting impression on the boy which bore fruit. When, after the close of the revolution of 1848-49, he re-entered school, he not only graduated at the end of the scholastic year at the head of a class of over seventy, but was the only scholar of eminence in Hungarian literature. An incident connected with this, his last school year in Europe, is worthy of mention as throwing light on his character. Among the subjects taught was the history of metaphysics, which was optional. The boy did not attend these lectures although he was a great favorite of the particular professor. Shortly before the final examination, calling upon the professor, the latter expressed great regret that the boy had not attended his lectures. He at once returned to his room, and for the next forty-eight hours devoted himself incessantly to the study of the text-book. At the close of that time he solicited an examination, and passed it with honors, to the great satisfaction of the particular professor, who embraced him with tears in his eyes. The boy did not care for the history of metaphysics a particle, but rather than give pain to a professor who was greatly attached to him, crammed the text-book with indefatigable zeal; and within forty-eight hours after his examination, knew as little about the subject as he had ever known before.

### HIS RELATIONS TO HIS FATHER.

The father of Roderick was in many respects an uncommon man. He was wholly free from all prejudices of caste, of race, and of creed, and that in a country where all these prejudices were strongly accentuated. He was an ideal democrat in the highest sense of that term. A man of untiring energy, and a rigid disciplinarian—at times stern, and at others of the tenderness of a woman. The boy inherited some of his good qualities, and when he got older he ascertained that he had inherited all of his weaknesses.

However impartial a father may endeavor to be in treating all his children with equal consideration and affection, there will always be some one of them to whom he is more partial. In the nature of things, we have but a very limited control of our affections, nor are they controlled by our sense of justice. Without any attempt at discrimination, and regardless of sex, some children are more attached to their father, some more to their mother.

Roderick was always more attached to his father than to his mother, although he always held the latter in grateful veneration. To give pain to his father was to give pain to himself. When, during his school years, his intractable and violent disposition led him into difficulties, and he became defiant of all authority, the kind exhortations of his father would always bring him to terms, and the interview would end, with the boy sobbing repentant in his father's arms. When the boy grew to man's estate this relation grew into a deep rooted affection and friendship between the older and younger man. When they were separated they corresponded extensively and exchanged confidences. To no other human being did Roderick lay bare his thoughts and feelings to the same extent. His father was the only confidant of his first great passion, his first dream of love, and in return the boy was made aware of his father's early dream in that direction. They



knew and shared each other's hopes and aspirations. It was due to his father's wish that the young man devoted himself to the profession of the law, for which he had no great liking, and when at last his father died at a comparatively early age, he felt the bereavement intensely, because it meant to him a vacancy which, aside of the parental relation, could never be supplied.

When in later years Roderick determined to collect and publish the verses which he had written from time to time, it was in part to preserve the memory of his father as the principal figure in "Ecce heros." The dedication which was to accompany this publication, written many years ago, is here inserted, as evidence of the facts above recited: —

#### IN MEMORIAM.

We sat in autumn twilight side by side  
And round us broken into dale and swell  
Like the wind-furrowed ocean, far and wide  
The undulating prairie rose and fell.  
Bright crimson tints marked the departing day,  
And lingered slowly fading on the hill,  
The busy hum of toil had passed away,  
The measured note of the lone whip-poor-will  
Alone broke through the stillness, and I read  
To thee the legends of a far-off land  
Wove into songs my childish fancy bred  
Before we met again upon the strand  
Of a strange people fate had made our own,  
Thence and forever, and thy partial praise,  
Thy kind indulgence to these erstlings shown,  
Made dear to me my crude Hungarian lays.

---

The mist of many years now rolls between  
The memories of that evening and this day,  
And through that mist that golden sunset seen  
Now seems so far, alas so far away.  
We parted since, and met to part again,  
Each meeting sweeter, kindlier than before  
Until there came the day, on which we twain  
Parted, knowing that we should meet no more.  
Far from thy native land thou foundst a home,

Such home as exiles find, silent and cold,  
 Green grows the sward over its humble dome  
 And closely bend its walls of crumbling mould.  
 Where past the rocky isle, with rushing sound  
 The mighty river hastens to the sea,  
 I have reclined oft since upon the mound  
 Which covers all that now remains of thee.  
 Then started off to fight the angry sea  
 Which meets the wanderer on an alien shore,  
 And life and love have smiled again to me,  
 But ah such love as yours, no more, no more.

---

Sweet guardian of my childhood, father, friend  
 Of later days in my maturer years  
 How bright thy image, as I slowly wend  
 My steps through life's meridian oft appears,  
 Again I see thee on that auburn hill  
 In autumn twilight as in early days.  
 Day's busy hum is gone, and all is still  
 Save the sad note of the lone whip-poor-will  
 While I read these to thee my later lays.  
 Then sudden thou art gone, thou hear'st them not,  
 Art on far shores which mystic waters lave,  
 Mournful I turn from the deserted spot  
 And lay these as an offering on thy grave.

## **HIS LAST YEARS IN HUNGARY AND FIRST YEARS IN AMERICA.**

In 1848 Hungary's new constitution was adopted, and Count Louis Batyani was placed at the head of the first Hungarian cabinet. Roderick's father accepted a position as chief of the section of industry under Secretary Klausal, who was a member of this cabinet. The family removed from the country to the capital, in the early part of the year, and Roderick joined them there at the end of the scholastic year. A national army was about to be created, and a military academy was established at the capital, which he attended as a pupil. It was the intention of his father, if all things went right with the national government, to send him for the completion of his studies to

Thun, in Switzerland, where a military school, in charge of General Dufour, had the reputation of being one of the best of its kind in Europe. Things, however, did not go right. Owing to the perfidy of the Austrian government an armed conflict arose between Hungary and the Austrian house, and Roderick's father was placed in charge of the national factories for manufacturing arms and ammunition. After the defeat of the Hungarian army at Schwechat, near Vienna, all departments of the government were removed from the capital, and the principal factory of arms which had been established there was transported to Nagy-várad, a small fortress in the southeastern portion of Hungary. The boy accompanied his father to the latter place, and remained with him until the summer of 1849, when the battle of Temesvár, and the final surrender to the Russians of the main Hungarian army at Világos, brought the war and the revolution to a close. His father became a captive of the Russians, but effecting his escape disguised as a journeyman, succeeded in passing the Austrian frontier. He first went to Belgium, and thence to England, where he embarked for the United States of America, landing in New York. Shortly afterwards he sailed for California.

In 1851, the other members of the family likewise left Hungary and rejoined the head of the family, who in the meantime had returned from California and had entered some lands in Scott County, Iowa, about eighteen miles west of Davenport, on which he was farming. The means of transportation were very crude in those days. The boat in which the family sailed from Hamburg to New York consumed fifty-four days in its voyage, and lost all its masts in a gale which it encountered on the banks of Newfoundland. There was no railroad to speak of west of Chicago, and the boys crossed Illinois in a team, and the female members of the family in a stage coach.

The farm enterprise proved a financial failure. The family removed from the farm first to Davenport, and

thence in 1853 to St. Louis, Missouri, where Roderick's mother established a private school for the tuition of girls. His older brother and himself found employment, in a subordinate capacity, with a surveying party then engaged in locating and constructing the Pacific railroad between the Gasconade and Osage rivers. In 1854 both accepted positions with a surveying party, locating the Northern Cross Railroad (now part of the Burlington system) between Quincy and Galesburg, in the State of Illinois, where Roderick was promoted to the position of an assistant engineer and placed in charge of the construction of twenty miles of the railroad between Macomb and Avon.

It was while thus employed, that the young man became acquainted with the Lawrence brothers, Henry and Chas. B., the latter afterwards chief justice of the State of Illinois. This acquaintance soon ripened into an intimate friendship, which lasted through the lifetime of the two older men, and materially influenced the boy's future.

The few years spent by him as an engineer on the prairies of Illinois, were among his happiest years. The young man was full of enthusiasm, in excellent health, engaged in an occupation thoroughly to his taste, and a great favorite with his superiors, his associates, and in fact with all men and women with whom he came in contact. The fact that both in disposition and thought he was thoroughly unlike others, seemed to exercise a peculiar fascination. He was still fervently attached to his native land and people, and regarded his sojourn in America as a mere temporary affair. Some contemporary incidents will best illustrate the trend of his thoughts at that time. One of his female friends wrote him a note, chiding him for being an alien in feeling, and for not taking a greater interest in his surroundings, to which he replied in the following verses, — very sincere in sentiment, and very crude in composition:—

Truly you say, a love, strong love of home,  
 Like an eternal flame, burns in this breast,  
 But warmer, kindlier though, burns not alone. —  
 The eagle loves but his cliff-crowning nest  
 Alone; The nightingale charms not the West,  
 Her fairy song is for an eastern clime,  
 But when God stamped man with a varied crest  
 And sent him in the fields of endless time  
 He did design a being more sublime  
 And I am man, though in my loving heart  
 My fatherland's saint shrine may higher rise,  
 And for its sufferings my soul keener smart,  
 The world's my home. \* \* \*

The political combination in Europe at that time seemed to hold out a promise of the segregation of Hungary from Austria, and its establishment as an independent republic. The young man read all the accounts of the subject with a great deal of interest. He was in the habit of going to his office at daybreak and attending to his work and correspondence before breakfast. On one of these occasions, while writing to a Hungarian friend, the morning salute of the chanticleers inspired him to begin his letter with the following verses: —

Die Haehne kraeh'n,  
 Im fernen Osten steigt das Licht empor  
 Und bald wird es den Halbkreis überfliegen  
 Im fernen Osten den ein Gott erkor.  
 Freiheit und Macht in seinen Schooss zu wiegen  
 Und mag er auch zur Zeit darniederliegen  
 Und Nacht der Sklaverei ihn auch umweh'n,  
 Nie wird er dauernd sich den Fesseln schmiegen.  
 Ost, schöner Ost, auf baldig Wiederseh'n  
 Dein Tag ist nicht mehr fern — Ich hör die Haehne kraeh'n.

He always remembered with great pleasure these days of his early youth so full of enthusiasm and visionary dreams. Many years afterwards when the serious lessons of life had sobered him he concluded a small descriptive poem with the lines —

Oh froehliche, seelige Jugendzeit  
 Du liegst in der Ferne so weit — so weit. —



In 1855 his father died in Davenport, Iowa. Roderick was at his bedside during his last moments and felt the blow very keenly. He was kept in Davenport for a considerable time in winding up, as administrator, the very limited estate which his father left, and then returned to Quincy, Illinois, to devote himself to the study of the law. He entered for that purpose the office of Williams and Lawrence, the former afterwards Chief Justice of Kansas, and the latter Chief Justice of Illinois. The very excited political campaign of 1856, in which he followed the banner of Free Soil, Free Speech, Freedom and Fremont, and in which he took an active part both as writer and speaker, interfered materially with his law studies. At the unsuccessful termination of the campaign, however, in November, 1856, he went to Cambridge, to attend the Dane Law School of Harvard University. It seemed a desperate venture, since the young man was almost wholly without means. Upon arriving in Cambridge he set about at once to earn something towards defraying the expenses of his maintenance and education. He earned small sums by giving lessons in German, and in fencing, and by charging a small amount for the use of a gymnastic apparatus, which he had erected in his room, and which, strange to say, was the first gymnastic apparatus in use in Cambridge. After the very active physical life which he had led heretofore, confinement began to tell upon him, and the fencing lessons and gymnastic exercises served the double purpose of improving both his health and slender means. Later on, when his professors knew him better, he was enabled to earn larger sums in doing some work in the line of his profession. He was selected to write some notes to Prof. Washburn's work on real property, and together with his friend Richard Olney, afterwards famous as the Secretary of State of the Cleveland administration, was selected to get up a new edition of Angell and Ames on Corporations. Even that class of work, however, was very poorly paid for in those days.

While the young man in those days was wretchedly poor,

he was morbidly proud, a trait which caused him a good deal of suffering then and thereafter. The following incidents furnish illustrations. Prof. Washburn had advanced him some money, which he thought the young man was not spending judiciously, and wrote to him a kindly and well meant note on the subject. Roderick at once retorted with a defiant letter, concluding: "I demand justice and not charity. Charity I seek of no one, not even of a friend short of my God." Prof. Washburn was dumfounded at this outburst, and asked the intervention of Prof. Parker, and it took all the persuasive powers of the latter to convince the young man that no offense was intended, and thus effect a reconciliation. Both professors took a very warm interest in this unmanageable young man. They both corresponded with him to some extent after he left college, and when he visited them many years thereafter, he learned that they had followed his career at the bar with interest. They were both of the highest type of American gentlemen. God keep their memory green.

A short time before going to Cambridge Roderick had met in Quincy, Illinois, George Sumner, the traveler and lecturer, who was a younger brother of Charles Sumner, the great Senator. George had taken quite a liking to the young man, and as soon as he ascertained that he was in Cambridge he called upon him and insisted on introducing him to H. W. Longfellow, with whom his relations were apparently very close. Longfellow, to whom Sumner probably gave a very partial account of the young man, pressed him earnestly to visit him and his family, a distinction then much sought after in Cambridge. Of this invitation he never availed himself, owing to his somewhat dilapidated wardrobe; an omission which in later years he often regretted. These two incidents, trivial in themselves, are characteristic of his morbid pride and sensitiveness at that period of his life.

In May, 1858, he came to St. Louis, Missouri, which was thereafter his permanent home. He was utterly devoid

of means, and a stranger in a strange city, because, although his mother, brothers and sisters resided there, they were not so situated as to give him any material aid. He obtained desk-room in another lawyer's office, with the privilege of sleeping in it, rather uncomfortably, on a lounge. At an eating-house close by, he took his noon meal at the cost of 25 cents. His breakfast and supper, consisting usually of a cup of Broma, prepared on an alcohol lamp, and a piece of bread, he took in his office. By the most rigid economy he was enabled inside of two years to pay all debts which he had contracted to defray the expenses of his education in Cambridge, and when the war for the Union broke out in 1861, he had laid by something, and could indulge in the luxury of a modest bank account.

Upon Lincoln's first call for 75,000 volunteers, he entered the first company of the first regiment of Missouri volunteers, as a private. He was soon thereafter discharged to enable him to organize a company of Home guards, and became the captain of the first company of the first regiment of that organization, and served in that capacity until his company was mustered out at the expiration of its term of service. His company participated in the taking of Camp Jackson, and did some service in Southeast Missouri where he contracted a violent camp fever of a typhoid character, which confined him to his room and bed for several months, and prevented him from participating in the reorganization of the regiment for the three years service. After his recovery he went to West Virginia, where General Fremont, with whom he had a slight acquaintance, was then in command of the Mountain Department, and served for several months as a volunteer on his staff, with the expectation of being assigned to a position should a vacancy occur. His brother-in-law, who served with the rank of Colonel on the same staff, becoming completely prostrated by an insidious disease, he accompanied him West to place him in charge of a mutual friend, who was a physician of some note in Davenport, Iowa. There



the young man remained until his brother-in-law was in a fair way of recovery, and then returned to St. Louis, Missouri, intending to resume his law practice.

By this time, however, law practice in Missouri had become a very precarious thing to make a living by. All business, except such as the war created, was nearly at a standstill. There was an attempt at regular sessions of courts in St. Louis, but in other parts of the State there was hardly an attempt. Part of the State was in possession of the Confederate forces, and the bulk of the territory was overrun by guerrilla bands. It became a practice in most cases where the defendant wanted delay, to obtain a change of venue, which operated as an indefinite stay of proceedings. Roderick concluded to seek his fortune in the newly discovered gold fields in Montana, and took passage on one of the fur company's boats for Fort Benton, on the upper Missouri, from which point a wagon road led to Deer Lodge, then the headquarters of the gold seekers. Owing to the low stage of water in the Missouri river, the boat could not proceed any further than the mouth of Milk river, some three hundred miles below Fort Benton, and after being moored there for some time, in expectation of a rise which failed to materialize, it returned to St. Louis.

The country on the upper Missouri, with the exception of a very limited territory in the immediate vicinity of the company's forts and trading posts, was then a desolate waste. A short distance above Fort Ramdal in Nebraska, the buffalo region began. Large herds of these animals were in sight daily, and at times crossed the river in such dense masses as to delay the progress of the boat. The gray wolves and coyotes made night hideous with their howls and yelps. Occasionally bears would disport themselves on the sandbars lining the river. The country was barren and monotonous, and the mosquitoes were sanguinary in the extreme. The friendly Indians, of whom large numbers frequented the boat at intervals, were bleary-eyed and filthy, and their pipes poisoned the air of the cabin with

the malodorous fumes of the kinnikinnic. On the whole it was a journey which made one sigh for home sweet home. The hostile Indians, a band of whom made once a descent on the boat when moored, securing no scalps, but managing to capture some mules, were the only feature furnishing a picturesque relief to the monotony of the situation. For that reason Roderick regretted to see the bloody scalps of many of them, a few days afterwards, dangling from the lances of the friendly Gros Ventres, good Catholic Indians, whose squaws went through the scalp dance, not at all embarrassed by the little medallions hung on their necks, given to them by Father De Smet, the missionary, and bearing the appropriate inscription of "Maria Mater Dei."

### **HIS VIEWS ON RELIGION, SOCIAL DUTIES, AND ON THE RELATIONS OF MAN TO WOMAN.**

It was at a comparatively early age that Roderick began seriously to reflect on matters of religious faith. His parents were Protestants and his grandfather had been an eminent divine of that church, but had left his pastorate, owing to some advanced views which he entertained, which did not meet with the approval of his congregation. His father's views on this subject, as on all others, were liberal, but he did not seek in any manner to influence his son's views on the subject, and he expressed himself repeatedly to the effect, that on the subject of creed each person should be permitted to form his own opinions, uninfluenced by the opinions of others. The boy being left to his own reflections, constructed theories of his own. He was always a firm believer in an intelligent force which governed the universe, in a transcendent power which represented the highest type of every good quality which appeared in man in an abnormal and imperfect state. He never attempted to give this being any definite form, because he was aware of the impossibility of doing so, and recognized the absurd-

ity of the attempt of any finite mind to grasp that which in its very nature is infinite. For the same reason, while he believed in the eternity of things, he never made any attempt to formulate his thoughts on the subject. He saw and recognized that all matter was indestructible, and that which we called its destruction was a mere change of its form, a certain substance resolving itself into other elements. While a young man he read with avidity Plato's Republic and other books discussing the immortality of the soul, but he recognized the difficulty of conceiving, that things which had a beginning should have no end, or that there could be a conscious future state, as a continuation of the present, and not linked with its memory. When the pedant James wants time and eternity symbolically represented in a design, and is at a loss how eternity should be represented, Scott makes the court jester suggest, that eternity should be made twice as big as time, a very proper lampoon on the attempt of representing the inconceivable.

But while both the boy and man abandoned all speculation on the subject of a scheme of the universe, he recognized fully the influence of a religious creed on the moral development of the human race, and recognized in the tenets of Christianity, those best designed to advance the general welfare of mankind. He was ethically a Christian, although his conduct was in no way influenced by a belief or disbelief in a state of future existence, or of reward or punishment therein, for conduct in this life. He believed in revelation, but not in the special revelation through one individual. In his opinion the divine will and power revealed itself in a blade of grass, no less than in the lives and teachings of the most eminent of mankind, except that in one case the revelation was more far-reaching and more beneficial to the human race than in the other.

He recognized the fact that individual compromise is essential to organized society, and that every one who becomes a

member of it, must necessarily surrender part of his natural rights for the common good. He also recognized, however, that every man owes duties to himself, no less than he owes duties to his family, to the commonwealth and to humanity. Man in a natural state, and segregated from his fellow men, has only the duty to make his life most beneficial to himself so as to derive the greatest happiness and content. When he enters organized society the duty of contributing his share to the welfare of others is added, but while this necessarily curtails the duties he owes to himself alone, it neither qualifies nor abrogates them. When he becomes the head of a family, another duty is added, the obligation to support the family and properly rear its young. His other two duties still remain, although modified by the new duties assumed. In fact each man's duty to himself is paramount to all his other duties.

Roderick was naturally a brooder and devoted a great deal of time in brooding over these various subjects. Why should man be different from all other animals in his family life? All animals guard their young while in a state of nurture, and some guard them with the most self-sacrificing devotion, but all let them shift for themselves when they arrive at the age of maturity. Man alone clings not only to his progeny through life, but even to his blood relations and connections more removed. He endeavors to push them onward in life, often at the expense of others, and often regardless of their merit, and becomes grasping in their behalf, even though not inclined to be so for himself. This trait of human nature, it seemed to him, was developed at a time when the hand of every one was against his brother, when there was a constant feud of families, and a constant feud of States—when might made right, and alliances on part of individuals, and on part of peoples, were necessary measures to prevent their destruction. The condition, it seemed to him, was neither the natural condition of man—because man, after all, while more advanced than other animals, is still an animal—nor

did it seem to him that it was a condition in harmony with a just relation of man to his fellow men, and their universal brotherhood, which is unquestionably the highest state of civilization.

Roderick was always a great admirer of women. His warmest friends with the exception of his father were women. He was impressionable and somewhat tenacious in his attachments. He realized repeatedly that woman alone is capable of the true martyrdom of love. Man has numerous aspirations and ambitions which occupy him, and which seldom admit of his falling a prey to the all-absorbing passion. But to a woman love for man is her life — take that from it and there is little left. There are no sacrifices which she is not prepared to make to gratify her love, and she will even cling to a hopeless attachment with a continuity and singleness, which, except in rare cases, is unknown to man.

In the nature of things, love, friendship and esteem are not matters of civil contract. Roderick realized early in life that we are attached to some persons, and repelled by others, because their qualities and our own are such as to bring about that result in spite of our volition. We can as little control our affections as we can control our thoughts. He was moreover a firm believer in the freedom of the affections, and as he endeavored to live an open and sincere life, he had no use whatever for the hypocritical cant of so called society which discussed the relations of man to woman from a thoroughly insincere standpoint of its own, which may be properly designated as the standpoint of not being found out, or the standpoint of appearances. In fact I may state in this connection that he had very little use for the opinions of so called society, any way, for which he entertained a profound contempt, finding that it was selfish, shallow, and utterly incompetent to deal with the most serious problems of life.

Without going into any details on a subject where



details are excluded by considerations for other persons if living, and considerations for their memory if dead, I may say that Roderick was in the course of his life loved by several women deeply, and in some instances with a self-sacrificing devotion of which woman alone is capable. If some of the happiest hours of his life were due to this fact, so were some of the hours of his greatest anguish. He was, however, philosopher enough to realize, that great heights are impossible without great depths, and that anything is preferable to the monotony of the desert plain. To those who may shake their heads in disapprobation of these candid avowals, I can only say that I am writing the history of a life, and not the vindication of a man. Suffice it to say, however, that he rarely if ever did anything without the approval of his conscience. I might have omitted any reference to this somewhat delicate subject were it not for the fact that no history of any life can be even partially complete, without some reference to its most important phases.

### **HIS VIEWS OF THE VALUE OF MONEY WEALTH.**

From what has been above said, it would seem to follow, that Roderick did not put an exaggerated estimate on the true value of money wealth. He realized that its main value consisted of making its possessor more independent in dealing with men and measures, and by removing the care for the means of subsistence, enabling him to devote his time to the attainment of aims more worthy of human ambition, than the mere accumulation of pelf. With the exception of a few years of his life, when he was wretchedly poor, he was always able to earn enough to live in comfort, if not in affluence, and that without making any sacrifice of principle. His tastes were very simple. He was generous and charitable to the extent of his means, and at times far beyond the point justified by his means. He was

sensitive touching his commercial obligations and it pleased him to hear men say that they rather took his word than another man's bond. At one time of his life, in order to save a friend and relative from embarrassments, which might have become very serious in their consequences, he sacrificed not only all that he had accumulated up to that time, but also pledged his surplus earnings for many years to come. He discharged all these obligations in the course of time. His experience in aiding others was very discouraging. With one or two exceptions he was compelled to take up all commercial paper which he had indorsed for the accommodation of others. With one or two exceptions he paid the damages on every bond which he had signed as surety for others, and what is more paid them alone, as his cosureties raised technical objections, which he declined to do. The aggregate of money paid by him, on account of other people's default in meeting their obligations, would have been sufficient to keep himself and his family in comfort for ten years and more. The recklessness with which people repudiated this class of obligations, and the base ingratitude with which they treated benefits conferred, finally embittered him and made him more chary of his generosity, although I may say in justice to him, that he regretted the loss of confidence in his fellow men more, than he regretted the loss of the money, even though he could ill afford the loss of the latter, being a man of rather limited means.

In his intercourse with his fellow men Roderick was self-assertive, but thoroughly democratic. Since he had no cringing regard for either the wealth or the station of the men with whom he came in contact, he could deal with those above, and those below him in the social scale on a footing of perfect equality. He did this without any apparent effort, and hence while his doing so was appreciated by his inferiors, it never was resented by his superiors. This trait in his character and conduct on his

part was probably the main cause of his popularity with all classes, and contributed materially to his professional success.

### **HIS MORBID AMBITION IN EARLY YOUTH.**

Looking back at the period of his early youth, I conceive that Roderick was morbidly ambitious. His ambition was not directed toward the attainment of any particular aim, but the thought that he should pass away without his name being remembered by those coming after him, was intensely painful to him. Often he lay awake during the night thinking about this, and often he brooded over it during the day, until he became so despondent as to be driven to the verge of suicide. During that period of his life he would have been willing to undergo the keenest bodily and mental suffering simply to perpetuate his fame, and martyrdom of any kind had no terrors for him. The tale of Herostratus, who committed the most sacrilegious crime, preferring to perpetuate his name in infamy rather than die unknown, made a deep impression on him, and I suspect that the young man rather sympathized with the crackbrained Greek. Roderick commenced to write verses when almost a child, in hopes of developing into a great poet. When he attended the military school he had visions of himself as a great chieftain leading the people against its oppressors. When he grew to man's estate, and realized that he had neither the genius nor the industry and perseverance to accomplish anything very extraordinary in life, he parted from his early visions. Yet the parting was very painful, as the following lines would indicate, which he then wrote, and not inappropriately designated as the saddest of all farewells: —

The boy dreamt, full idly dreamt he oft  
How strains breathing a more heroic fire  
Than ever sprang from Tasso's harp, more soft  
Than ever trembled on Petrarca's lyre



Should be his own; He himself be the sire  
 Of deeds heroic as of thoughts sublime  
 And on fame's dizzy heights mount high and higher.  
 His memory in adulating rhyme  
 Be sent by praising bards to the remotest time.

The man awoke. He found he lacked the power  
 Given to minds pre-eminent, who mold  
 To deathless deeds and thoughts the passing hour;  
 Who seize occasion with a purpose bold  
 And in their grasp a nation's history hold.  
 Over the boy's bright dreams dark shadows fell  
 Never to rise again. Visions of old,  
 Reality has tolled your parting knell  
 And part we must.—Forever fare you well.

### HIS JUDICIAL CAREER.

It seems almost the irony of fate, that the only calling in which Roderick achieved an unqualified success, was one for which he had no taste, and which he adopted mainly in deference to the wishes of his father. He had been at various times of his earlier life a farmer, a civil engineer, a merchant and a soldier, and in later years also a miner. In neither of these callings did he prove much of a success. He was, however, unquestionably a success as a lawyer, and if the testimony of his associates and contemporaries is to be credited, a phenomenal success as a judge.

At the general election of 1863, among other State officers, the judges of the courts of record in St. Louis County were to be elected. The county at that time included the city of St. Louis. One of the officers thus to be elected was the judge of the Law Commissioners Court, a court of limited jurisdiction in civil cases, but having exclusive appellate jurisdiction from justices of the peace in all such cases with the exception of land cases. Appeals from this court were direct to the Supreme Court, and although it was an inferior tribunal, it was, owing to the facts above stated, one of some importance and dignity. Since the war was still raging, and the practice of

law was anything but remunerative, Roderick decided to seek an election as judge of this court. The Republican party, of which he was a member, was then the dominant party in the county, and had a majority of between three and four thousand votes, but it was split into factions who divided the vote almost equally. He could not secure the vote of both factions. As a compromise between the two factions where they differed in their nominees, the names of the candidates of both were printed on the same ticket, and the voter declared his choice by erasing the name of the one. This was not a very cheerful outlook, since in case of an approximately even division of the vote, both Republican nominees were bound to be defeated by their Democratic competitor.

Roderick saw the necessity of making an active personal canvass (the first and last of that kind he ever made), to which, in company with a personal friend, who was an adroit politician, he devoted all his time and energy for many weeks. He drank with the husbands and fathers, and danced with the wives and daughters on all conceivable occasions. He made the personal acquaintance of the rural population, and gained their confidence by discussing topics with them in which they were mainly interested, and he succeeded in gaining the support of the army vote, then quite a factor. At the final poll it was found that he had distanced his competitor, on the Republican ticket, by beating him twenty to one, and that he led his Democratic competitor by over three thousand votes. Thence and thereafter he was looked upon as a very popular man, and became quite a power in politics. Roderick at that time had just passed the constitutional age of thirty, was the youngest judge of a court of record in the State of Missouri, and was so youthful in appearance that he was forced to carry his baptismal certificate with him, to satisfy the incredulous of his eligibility.

Having been successful he at once set about to show that he was worthy of the confidence so freely bestowed on

him. The affairs of the court were in a frightful condition, and its reputation was about as low as could be. The courtroom itself was a dingy hole of limited dimensions. He caused it to be enlarged and its interior to be reconstructed in a manner that it served as a model for the reconstruction of other courtrooms in the same building. Several hundred appeal cases had accumulated on the docket, and were not set for trial, because the docket fee in them, to which the clerk was entitled, had not been paid. He caused the clerk to waive the prepayment of the docket fee, and to set all these cases for trial at the next term of court, and caused notice to be given to all litigants that no trial would be postponed without good cause. He first established the noon recess (courts formerly sitting from ten to three without intermission), and kept his court in session from nine to one, and from two to six o'clock. He caused circular letters to be printed, at his own expense, instructing justices of the peace in their duties in the trial of causes, and encouraging them to call upon him personally for advice. His innovations were at first looked upon with distrust, but when their effect became manifest they were applauded. The result was that within one year after he assumed the duties of his office, the docket was cleared of all old cases, the court was looked upon as a model court, and no appeal was thereafter dismissed for informality in granting or perfecting it, or for insufficiency of the transcript. The discipline of the court was severe, and during the first year of his official term both officials of the court and lawyers were fined heavily. The best evidence that these fines were justly imposed, is the fact that the parties thus punished were among his most devoted supporters in after years.

Under the provisions of the Constitutional Ordinance of March 7, 1865, in force May 1, 1865, all judges of courts of record in the State of Missouri were ousted from their offices. He was at once reappointed by the Governor and continued to hold the office until the court was abolished

by act of December 19, 1865, in force January 1, 1866, which created the Circuit Court of St. Louis County, composed of three judges, and abolished the Common Pleas Court, Land Court, and Law Commissioners' Court.

In March, 1867, Judge Moody of the Circuit Court of St. Louis County, resigned, while articles of impeachment were pending against him, and Roderick was appointed by the Governor to fill the vacancy thus caused, and at once entered upon the duties of his office. In 1868 he was renominated by acclamation and was elected, leading the judicial ticket. The terms of the three judges of the court were determined by lot, and he drew the short term of two years. In 1870 he was again renominated by the liberal wing of the Republican party, but was defeated by a combination between the regular Republicans and Democrats.

His associates on the Circuit Bench during his first term were much older men than himself. The court under the then law acted as a trial court in special term and as a court of appeals in general term. His radical and positive views in the administration of justice, were first looked upon with distrust by his more conservative associates. This distrust, however, soon yielded to confidence, and before the expiration of one year his views in case of disagreement became controlling. He continued to maintain that position both in the Circuit Court, and afterward in the Court of Appeals. Among more than four thousand appeal cases which the latter court decided during his official term as a member of that court, it is doubtful whether his dissent is noted, in more than one in one thousand, the opinions of the court in all others reflecting his views.

During his entire judicial career, his relations to his associates, as well as to members of the bar, young and old, were of the pleasantest nature. His retirement from the bench on both occasions was the source of general regret.

The following incidents will fully illustrate the relations existing between himself, his associates on the bench and his fellow members of the bar. When he left the circuit bench he was tendered a banquet, on which occasion Mr. Sam'l T. Glover, then the recognized leader of the St. Louis bar, presided, and addressed him as follows: —

JUDGE ROMBAUER:

You behold around you a large assembly of gentlemen, composed of members of the St. Louis bar, and others, your fellow citizens.

This assemblage, I am directed to say to you, has met in your name. This social scene, this elegant repast of which we are soon to partake, has been provided by friends to do honor to you.

It is tendered, sir, as a small memorial of the confidence and respect with which you are regarded by this bar and by the community. Its purpose is to say to you in modest, unostentatious and truthful terms, that during the years in which you sat on the bench of the Circuit Court of St. Louis County, you filled the place of an industrious, faithful, learned and just judge.

You will allow me to add that in my opinion of all positions under government, that of judge is least desirable for its worldly emoluments, while no other is so full of labor and responsibility. True, the judiciary has an equal rank with the other departments of the government. True, it is set forth in the constitution as a co-ordinate department. It demands the highest order of talent and the greatest culture. Undoubtedly its toils are incessant, and its value to the State incapable of estimation.

But alas for its honor and influence our American judici-



ary is the feeblest power in the State. In a million of people you will find probably only ten or twenty judges. This is the whole great judiciary department of the constitution. The legislative and executive powers, wielding the patronage and wealth of the community, attract the gaze of the multitude, and impress the popular mind, with a transcendent force. These are surrounded by a throng of followers, who shout continually in their ears the notes of praise and adulation.

The judiciary has no favors to bestow. The judge has no retainers, no followers at his heels. His labors are mostly performed out of sight, and are unappreciated when performed. It is the business of ignorance and impudence to misapprehend and misrepresent his ablest and purest judgments. Even when the unprincipled charlatan assails his motives, he dares not defend himself.

Is it a wonder that the judiciary should not, as a department of the State, possess influence enough to secure a salary equal to the rewards of labor in any other place of toil? We who inhabit the walls of yonder court house, who know something of the work our judges do, and that no such endless exhausting work is done elsewhere, can appreciate the measure of justice, which the other departments have meted out to our brethren of the bench.

But, sir, I forget. I am only to welcome you here to night, which I do most cordially. The reward of judicial labor here, I believe, consists mainly in that mental training which elevates and adorns the man, though it may not improve his estate; and in that sense of gratification which follows upon the memory of great and arduous duties well performed. All these we know are yours.

To this address Roderick replied as follows:—

MR. PRESIDENT AND MY WORTHY FRIENDS:

I thank you for your kind words, and for this well attended funeral. I thank you for this revival of ancient customs in an improved form. Thousands of years ago

there lived a people, and when one of their number died his friends assembled to speak his praises and to drink his wine — but himself — he before whom the smiling genius had walked with torch reversed — was far away. Not so to-day. You meet and rejoice because one of your friends has gone to what you deem compared to where he was, elysian fields, but more generous than your model among the ancients, you invite him to hear his praises and to drink your wine.

And yet, my friends, why should I hide by these pleasanties my real thoughts. They are but a tinsel that badly covers the somber colors that lie beneath. I tell you truly that when the officer this morning proclaimed the day, a day on which another than myself shall take the vacant chair, I felt that it was the second great parting of my life.

Nineteen years ago I stood on the deck of an emigrant ship, far east, in a northern sea. Before me lay the vast expanse of an ocean that separates two continents; behind me the peaks of the Shetland Islands, glowing red in the rays of a setting sun. Slowly our ship floated into the vast waters, and the night. Standing upon the deck, I turned and looked eastward until the darkness and the distance hid the land, and then a feeling of sadness and desolation came over me. It was the last land of Europe that I saw, and the last that I am ever likely to see again. The wooded hills among which I spent my childhood days; the college green with its merry faces; the silent churchyards, resting-places of my departed friends, all seemed to crowd around me as for a last farewell.

Before me lay a future more promising and more remunerative — boy though I was, I felt that well, but behind me lay the places grown dear by many memories — places that I should never see again.

Many years have passed since then. I became a citizen of another land than the land of my birth, and of my own free choice another mother's loving son. She is a step-mother to me no longer, if she ever was. The people of

this land have long since become my people; my sympathies are theirs above all others, my first and only national allegiance is due to them. Looking back through the distance of years, I can hardly recognize the boy that stood upon that deck more than nineteen years ago, and yet that scene returns to me at times with all its grandeur and all its intense memories.

It returned to me to-day. The parting of to-day recalled the parting of the long ago, so dissimilar and yet so much alike. To you it is but the going of one man and the coming of another, but to me it is the leaving of a world, though but fancy built, which the habit of years has made my own, and the entering of another whose ways and manners I have almost forgotten. To me it is the severing of relations that shall never return again—it is the leaving of a place which, with all its toil and all its drudgeries, was made dear to me by the uniform confidence of those whose confidence I value most highly.

Before me lies a future more promising, perhaps a wider field and one more remunerative; but behind me, in that fancy world, lie places endeared by many memories, places that I shall never see again; and while the regret that accompanies the parting may not be lasting, it is a regret no less.

My friends, for your kindness, extending through many years, I have the first opportunity to thank you here to-day. I am well aware that whatever success may have accompanied my judicial life and judicial labors is due in a great measure to the earnest support which on all occasions you gave to me. The uniform courtesy and deference with which you always treated one weaker in opinion and much younger in years than many of you; the indulgence which made you overlook his shortcomings when, often tired out by labors, he became fretful and irritable, and failed to be what he endeavored to be, strictly just towards you—all these call not only for my thanks on



this occasion, but they call for more, and I shall answer the call.

If there is one among those here assembled who thinks that I have wronged him, I extend my hand to him and ask his forgiveness, though the wrong done may have been ever so unintentional. If there are any among you, either here or away, who have wronged me, be the wrong forgiven now, because as I enter again a brother among you, brothers of the profession, I intend to be more than a brother in name only. I intend to be a brother in deed, and to begin my brotherly labors to-night by brotherly lecturing.

Members of the St. Louis bar, you are not in your relations towards each other what you ought to be. You are kind and courteous towards each other, but it is the kindness and courtesy of strangers more than that of brothers — a kindness which, like the polar sun, is bright but emits no animating heat. You never meet except it be at a funeral of some sort or another, to pass resolutions, or to drink the health of your departed brother. You have no association for a common object, except a coalition store, for the purpose of obtaining your merchandise cheap — a store which you and I call a law library. Your position in the community is that of many isolated reeds, easily broken, one by one, and not that of the bundle that resists the efforts of the most powerful, and whenever you attempt temporarily to unite for a common purpose, you usually fail.

Why should this be so? The truth is, that in following your individual pursuits you have lost sight of your common duties and common aims; that you have, in a measure, forgotten that they exist, because you have no time and place for their discussion and for their cherishing.

The lawyer in a democratic country is the keeper of the sovereign's will, and ought of necessity be its guide. Every complaint that is made of bad and ineffective laws is a silent reproach to the profession, that does not make the laws,

but that possesses the power to see to it that the proper ones are made, and yet fails to use it.

Members of the St. Louis bar, I speak to you thus because the occasions when I can address so many of you together are but rare. If what I say to-night will lead to a closer affiliation between yourselves; if it will lead to work commencing with law reform in this commonwealth, but exercising and extending its influence far beyond, then shall I feel indeed that you have done me an honor to-night for which I shall feel grateful while I live.

We are a nation of many States, and yet we are but one people, of a common language, a common mixture of races, and a common development, inhabiting in common a moderate zone, — and yet how dissimilar are our laws. No merchant can safely enter into a contract to be performed beyond the limits of this State, without familiarizing himself to some extent with the laws of the State where the contract is to be performed. No man can receive or make a transfer of realty, without learning the law of the State where the realty is situated. One cannot even marry a girl — unless she be an old maid — without ascertaining whether she is of age by the laws of the State where she lives, for fear that he might commit a misdemeanor by marrying her without the consent of her legal custodians.

Why should this be so? Surely on subjects of a general nature, where the law is to affect a people of a common climate, of a common mixture of races, and of a common development — the best law must be one and the same.

Why then is it not the same? Because there is no common aim, and no common effort on the part of those who alone are familiar with the laws and their diversity, to remedy the evil.

And yet the evil can and ought to be remedied, and could easily be remedied by affiliation of members of the bar.

These are not theories whereof I speak. Work of a similar character has been and is now being practically

tested with success. There was a people of a common race and yet of many States far in the East. Their laws had but one common foundation as ours, but their legislation was widely diversified; so that in many respects their laws became entirely dissimilar. A few years ago the people of these States commenced to hew themselves into one nation by the sword, and they are hewing at it yet with good success. But long before that time the influence of their lawyers was at work, associations for similarizing their laws were formed, under more unfavorable circumstances than ours, and worked successfully. So that the cementing by common laws had far progressed, before the cementing by blood began.

Gentlemen, I desire to take no advantage of your famished condition by urging this subject any farther, lest you plead "duress" hereafter; but I hope that all those that are willing to aid in a closer affiliation of the members of our bar, that it may work in future with a common will, for a common aim, will pledge me in a glass of wine.

Roderick's remarks on this occasion gave rise to an extended discussion of the propriety of establishing a National Bar Association, whose aim it should be to bring about among a variety of other needed reforms in the law, a greater uniformity in the legislation of the various States on subjects of common interest. Thus he can claim with propriety that he was partly instrumental in calling such an organization into life. The St. Louis Bar Association, that of the State of Missouri and almost every other State, as well as that of the United States, had their origin subsequent to 1871. In fact the St. Louis Bar Association was to some extent his creation, he being one of the most active charter members.

The Constitution of Missouri of 1875 established the St. Louis Court of Appeals. Roderick was one of a committee of three, who prepared the draft for that measure. The term of the three judges of that court appointed by

the Governor expiring on the first Monday of January, 1877, he was nominated by the judicial convention of the Republican party, at the general election of 1876, by acclamation for one of these positions. The convention went farther, and conferred upon him the heretofore unheard-of honor, of permitting him to name one of his associates, and he named Mr. Henry Hitchcock of the St. Louis Bar. The ticket thus nominated was, however, defeated by a party vote. In 1884 he was again nominated by acclamation, by the judicial convention of the same party, and was elected by an overwhelming vote, although several candidates on the same ticket were defeated.

He continued to hold the office for a period of twelve years, and was for nine years the presiding judge of the court. His opinions appear in the printed Missouri Appeal Reports in volumes from 16 to 68 both inclusive and speak for themselves. In March, 1896, an address was presented to him signed by nearly every prominent lawyer in the judicial district, as follows: —

ST. LOUIS, MO., March 12, 1896.

HON. RODERICK E. ROMBAUER:

*Dear Sir* — Among the judicial offices to be filled at the general election in November next will be that of a Judge of the St. Louis Court of Appeals, your term of office as such expiring on December 31, 1896.

The undersigned, members of the Bar of that Court, without distinction of party, earnestly desire that you should continue to hold that important position. They well know, and highly appreciate the ability, fidelity and integrity with which during the past eleven years you have fulfilled its duties.

Your published opinions, distinguished by sound learning, vigor of style, clear and accurate reasoning, and marked independence, have won for you a well-deserved reputation not only as an accomplished jurist, but as an upright

and impartial Judge; while your kindly and considerate demeanor has maintained the most cordial relations with the members of the Bar.

The permanence of our institutions and the welfare of our people cannot be assured, except by the independence and high character of the Judiciary.

In view of the qualities which your public services have demonstrated, the undersigned cordially and earnestly unite in asking your consent to be a candidate for the office above mentioned.

He was renominated by the Republican Judicial Convention in 1896, although he was absent in Europe when the Convention met, and made no personal effort whatever to secure the nomination. He was defeated, however, in the election by a combination of the Democratic and Populist vote against him.

It was always gratifying to him to be treated by the opposition press with great courtesy and consideration, and that even at times when party feeling ran very high. The following editorials published in leading Democratic journals at the time of his last canvass are significant: —

*[From the St. Louis Republic of May 22, 1896.]*

The movement of the St. Louis bar for the renomination of Judge Roderick E. Rombauer is the natural outcome of the great respect entertained by the profession for his remarkable learning and judicial ability. Judge Rombauer's equal in extent of research would be hard to find in Missouri or in any other State. The bar unanimously concede him a place in the very highest circle of the learned in the law, and has as much confidence in his insight as in his learning.

Judge Rombauer enjoys a splendid reputation both as a lawyer and a jurist. His concentrative power and his essentially analytical mind have been strikingly exemplified during his long and brilliant career on the bench. He has proved a just and impartial Judge, while his personal



character and integrity have always been of the highest. The extent of his researches into and his profound knowledge of civil law have earned for him a proud eminence which few have attained.

[From the *St. Louis Post-Dispatch* of May 22, 1896.]

Members of the St. Louis bar, regardless of party affiliations, have called upon Judge Rombauer to stand for re-election. The bar, in this case, voices the sentiment of the community. Judge Rombauer's standing as a jurist is equaled by his standing as a citizen. The call, and the response, appearing in this issue of the *Post-Dispatch*, are conclusive. The election in November will be an additional tribute to the private worth and public service of a good man.

The relations which existed between himself and his associates on the bench will appear in part from the following: When Judge Thompson, after leaving the bench, completed his exhaustive Commentaries on the Law of Private Corporations, he addressed to him the following letter:—

June 4, 1895..

MY DEAR JUDGE ROMBAUER:

My publishers will hand you a copy of my work on Private Corporations. Three volumes of it are now issued, and will be delivered to you together, and the others will follow about two months apart.

I offer this trifling gift in memory of the eight years during which we were associated together, as judges of the same court. I feel that I am offering it to one of the first, if not to the very first, of the lawyers of Missouri, and that, extensive as it is, your attainments are such that you will not be able to learn much out of it. I reflect also upon the great advantage, in an educational point of view, which I derived from my official association

with you. Your tuition was thorough, and your discipline severe, and the training which I received under you—if I may so put it—contributed materially to the formation of more accurate habits of thought on my part, and to make me a better lawyer than I otherwise would have been.

Very truly yours,

SEYMOUR D. THOMPSON.

Two years after this when Roderick's appointment to a position as Judge of the Supreme Court of the United States was strongly urged, Judge Thompson wrote to a mutual friend who was supposed to have considerable influence with the national administration as follows:—

MY DEAR SIR:

A number of the friends of Hon. Roderick E. Rombauer have conceived the idea of bringing his merits to the attention of the President in view of a possible vacancy on the Federal bench. You will, perhaps, recall that I was a judicial associate of Judge Rombauer for eight years in the St. Louis Court of Appeals. You will possibly conclude from this circumstance that I am qualified to speak of his merits as a lawyer, a judge and a man. He has had a judicial career in Missouri, which, though not continuous, aggregates about twenty years. He had a good foundation for such a career in the fact of being a graduate of the Dane Law School of Harvard University. He was elected to the bench in St. Louis as soon as he had arrived at the legal age to qualify him for that office. He served a term as Judge of the Law Commissioners Court of St. Louis, another term as Judge of the Circuit Court; and then, after a considerable interval of practice at the bar, which was only in the most important causes, and which was very successful, he was induced to become a candidate for the office of Judge of the St. Louis Court of Appeals,

which, it may not be known to non-residents, is one of the two appellate courts of the State of Missouri, subordinate in some particulars only to the Supreme Court. He was elected by a greatly increased vote over the vote which was received by the candidates for political and administrative offices on his party ticket. He served for twelve years as a judge of that court, the last nine years of which he was presiding judge. He was renominated by a judicial convention of the Republican party, but was defeated of re-election at the last election, though he again ran considerably ahead of the party ticket. His renomination was promoted by the best lawyers of his appellate district without distinction of party. In some of the meetings held by those lawyers for the purpose of bringing him forward as a non-partisan candidate, the opinion was freely expressed, that he was the best appellate judge in this State. I doubt whether it would be saying too much in his behalf to express the opinion that he is the best appellate judge that ever was in this State.

His character as a judge is distinguished by an absolute impartiality and utter indifference to the question who the parties to a litigation before him may be; the firmest determination to decide every question according to the settled rules and principles of law, and where those rules and principles are unsettled, according to the right of the case, without regard to whether his conclusion may hurt or help stranger or friend.

Judge Rombauer's work while on the St. Louis Court of Appeals was not only distinguished by its quality but by its quantity. He turned out a phenomenal amount of work in a court which was always overcrowded, and all his work was of a very high grade. I need not say to you who have known Judge Rombauer longer than I have, that he is held in the greatest reverence and esteem in the community where he has so long lived. As a citizen his character is of the very highest; as a politician he is a Republican, and, as such, a healthy partisan, firm but

enlightened; as a lawyer, he is strong and diligent; as a judge he is upright, firm, impartial, learned and laborious;—in fact he is a strong man—an exalted character—a great judge. His appointment to the Federal bench would ornament and strengthen it.

Yours very respectfully,

SEYMOUR D. THOMPSON.

It was the ambition of his later years to wind up his judicial career on the bench of the Supreme Court of the United States, which he considered the highest judicial tribunal in the civilized world. Unfortunately while selections for members of that bench are always made by the administration, with painstaking care, they are determined by political considerations no less than by merit. Roderick was always far too independent in his political views, to entitle him to count on the sincere support of professional politicians.

Having thus shown what others thought about his qualifications and work as a judge, it is proper to add what he himself thought of the judicial position. He was always in favor of a thoroughly non-partisan judiciary. In every political convention in which he participated as a delegate, he opposed party nominations for judicial offices. In one, over the deliberations of which he presided himself, he declined to cast his vote as a delegate, although the vote was equally divided between two candidates, and one of them was his personal friend. Although he was himself repeatedly nominated by political conventions, he informed them that he treated such nominations simply as indorsements of his previous nomination by the bar. Among the many public declarations made by him at various times one is here inserted as emphasizing his views on the subject:—

The many friends and admirers of the Hon. David R. Francis, did, on the retirement of that gentleman



from the office of Governor of Missouri, tender him a complimentary banquet January 16, 1893. On that occasion Roderick was selected by the committee of arrangements, to reply to the following toast:

“The Judiciary — Without an upright Judiciary no free institutions can exist — With it they will never perish.”

He was introduced by Judge Thayer, Circuit Judge of the United States, with the following kind words: —

We have with us to-night a gentleman who has long held, who now holds, and I trust long will hold, a high judicial station in this city and State. He has so borne himself, both at the bar and on the bench, as to command in the highest degree the respect and confidence both of lawyers and laymen. I accordingly propose as the next toast “The Judiciary,” and I call upon the Hon. R. E. Rombauer, Judge of the St. Louis Court of Appeals, to respond to the sentiment.

To which call Roderick responded as follows:—

MR. CHAIRMAN:

I cannot on this occasion truthfully repeat to you the historic remark, “I thank you for pointing to me.” I would have thanked you if you had pointed to some one else. My oratorical efforts for many years past have been confined to informing eloquent counsel appearing before me, that their time was up, and to some memorial remarks when officially informed that some other eloquent counsel’s time was up forever. I cannot utilize the practice thus acquired on the present occasion. The honored guest of the evening has been informed already, several days ago, that his time was up, and memorial remarks touching him are out of the question, because we all realize in the expressive phrase of the eloquent hibernian, that it is only the smallest part of his future that lies behind him. If, therefore, in what I say, I shall depart from the traditional



line of banquet hall remarks, please ascribe it to the fact that I am a stranger to its customs and demands.

I shall speak of the subject assigned to me in the following order: What is the judiciary, and what has it done for us? What have we done for it, and how has it borne our treatment? What should we do for it, to preserve its usefulness, and thereby, as the toast offered so fitly expresses it, preserve our free institutions.

All Missourians know, having been thus informed from time to time, that the welfare of the people is the sovereign law. We have emblazoned that motto under the device on the coat of arms of our State. We rejoice to see it on every commission issued to us under the seal of the State, and rejoice still more to see it on the checks which the State Treasurer issues to us from time to time. Another motto, with the characteristic modesty of a free people, proclaims, that the voice of the people is the voice of God. As the voice of the people is thus made infallible, and is naturally in support of its own welfare, the two expressions cover the same ground. The judiciary are the keepers and guardians of that voice and welfare of the people. It is true that on the arms of our State, two bears stand as guardians and keepers over the motto, but that may be owing to the fact, that in the opinion of the designers of the device, no truer symbolical representation of the judiciary could be made.

Yet while the voice of the people is the sovereign law, law itself is but a rule of action, and until applied to particular persons and things is only a dead letter. Only when thus applied does it become a living rule, entering into and affecting the minutest details of our lives. The judiciary therefore are charged not only to guard the law but to apply it. From the earliest days of the common law the judiciary have listened to this voice of the people, and have given effect to it as a living rule of action. They have listened to it when the voice was so feeble and indistinct that it could scarce be

heard. They have collected it from all parts of the realm. They have applied it to the rapidly changing conditions brought about by progressive civilization, and have always applied it in the interest of liberty and good government. Like the priests of the Zend-Avesta, they have maintained and nourished the holy fire, until the spark of liberty grew into a mighty flame, cheering and brightening the lives of the foremost nations of two continents. They never hesitated when it was needed to oppose to tyranny an uncompromising front, even at the peril of their lives. If the scaffold numbers fewer judicial martyrs, than martyrs of religious faith, it numbers some whose martyrdom was equally sublime.

Under our peculiar frame of government on this continent, both local and national, the task of the judiciary becomes more exacting. It becomes their duty to oppose the temporary will of the people itself, when they find such will opposed to the formulated voice of the people, which is the law. It becomes their duty to prevent the encroachments of the national government on the government of the States, and of the latter on the former, and thus decide what we term constitutional questions. All this the judiciary have done from the foundation of our government to the present time, fearlessly and with zeal and learning, thus doing their full share in building up a great empire in the interest of all its people.

Now since our judiciary have done all these things for us, it is but fair to ask what have we done for them in return. Why, everything that can be reasonably expected. Knowing that mental labor is good for the body and soul, and that it is better to wear out than to rust out, we have loaded them down with work without end, and required them to dispose of it speedily and well. Knowing that overfeeding of the body interferes with accurate mental labor, we have taken care that their bodies should not be overfed, and thus have wisely coupled in their case, the maximum of mental exertion with the minimum of

financial remuneration. I wish to be understood distinctly, Mr. Chairman and gentlemen, that I speak on this subject as a historian and not as a critic. I do not wish to be understood as joining in the ill-advised clamor for an increase of judicial salaries. When, after many years of persistent effort on part of the citizens of St. Louis, a paternal government saw fit to change the compensation of the office which you, Mr. Chairman, now fill with such distinguished ability, by increasing it *from that* corresponding with the compensation of the foreman of a shoe shop, *to that* corresponding with the compensation of a second rate clerk in a dry goods emporium, I doubted the wisdom of the move. I was fearful your frugal habits might become demoralized. That you might like Epicure or Lucullus become addicted to the pleasures of the table, and by overfeeding impair the accuracy of your mental processes. Nay, I was even fearful that in course of time you might be able to depart, and actually depart from the primitive simplicity of the fathers to such an extent as to place a carpet upon your floor. No, no, gentlemen, let us not join in this ill-timed clamor for an increase of judicial salaries. We have placed under the control of our judiciary, our lives and our property, and what is dearer to us, our honor and our liberty. Shall this unlimited confidence be estimated by the vulgar standard of dollars and cents? When we consider what we have confided to the judiciary already, it is to be wondered at, that we pay them anything at all in addition.

But if anything more were needed to show the wisdom of our past policy in that regard, it is shown by its effect on the judiciary. The early simplicity of the fathers is a thing of the past. From a small and poor people we have grown into a wealthy and mighty empire. Our wealth has increased far beyond the increase in our numbers. This condition has almost unavoidably brought with it a partial corruption of our morals, and that corruption has invaded

nearly all ranks and nearly all political and social institutions. It has insinuated itself into our legislative bodies, from the lowest municipal council to the most august body of the world, the Senate of the United States. We can neither hide nor deny the evil, even though its extent may not be quite as great as suspicion and surmise proclaim it to be. Nor are we singular in that respect. At this very moment the government of a free people across the ocean is upon trial for life, because its merchants and bankers, editors and representatives, senators and ministers, have been victims of this corrupting cancer. Suspicion has even dared to attack its chief executive, that worthy scion of an illustrious sire, as it dared once upon a time to attack our own chief executive, although we may safely predict that he will come out of the fiery furnace unscathed, as whilom did our own silent chief, silent now forevermore. Yet in this sea of corruption on both sides of the ocean, one branch of the public service remained unquestionably pure. The moneyed interests that are passed upon in our courts are measured by millions, and represent the wealth of a nation, but the most daring calumny has recoiled from casting a breath of suspicion upon the incorruptibility of our judiciary. Though members of all other departments may succumb and have succumbed, our judiciary has remained pure and undefiled. They have gone on in their unremitting labors unbought and unpurchasable, and when their members leave the bench at the termination of their judicial life, they leave it always covered with honor, and sometimes covered with rags.

And yet I do not intend to go too far. There is one point in which even our judiciary has been charged to be vulnerable, and probably justly so. It is one of our weaknesses that each political faction believes the well being of our venerable bird of freedom depends on the party cage in which he is housed. Judges are selected with regard to their view touching the proper caging of the bird



aforesaid. When we select a judge because he is a partisan, we cannot expect that when he becomes a judge he will drop the partisan altogether. And yet it is the duty of the judge to declare the voice of all the people on *every question* that comes before him. There came questions at times before the highest tribunals of our land, on which its judges divided strictly according to their political tenets. This fact may have been matter of accident, but if so it was an unfortunate accident. Questions of that character are likely to come before our highest tribunals frequently, and with the increase in the complexity of such questions, their number is apt to increase. We are, in our mistaken party zeal, getting into the habit of expecting that the judgment of the court will be in conformity with the political views entertained by the members of the tribunal, or by their majority. The danger arising from this method of looking at things is not to be underrated. The very suspicion of bias in the judiciary on one question, breeds a suspicion of bias on other questions, and thus finally undermines that unlimited faith in the pure administration of the law, which is essential to the implicit obedience to judicial decrees, and as the toast so aptly expresses it, is essential to the permanency of our free institutions.

Let me close with an illustration by way of an anecdote. Many years ago in a far-off land I saw an Indian. It was the first Indian whom I had ever seen. He was in a book. He wore leather stockings and was named accordingly. His head was overflowing with eagle feathers and his heart with noble sentiments. He told me his tale of woe and I extended my hand to him, and sat down with him on the banks of the blue Danube, and wept tears of compassion and sympathy. Years afterwards I saw the Indian again. It was in his home in the western hemisphere. He had come out of the book and was sitting on horseback. He wore no leather stockings nor anything else worth mentioning, but I thought I knew him by his bonnet of eagle



feathers which he still wore, and which was about all he wore. I extended my hand to him which he took. He also took everything else I had although I did not extend it to him, and when we parted he was the best dressed man of the two. I knew at once he was not the same Indian whom I had seen in the book. He might have been his brother, but if he was, the moral family resemblance, so to speak, was not very strong. I then sat me down on the banks of the yellow Missouri and wept tears of disappointment. I shed many tears, although I could ill afford to do so, because they represented the only drops of clear water within a radius of three hundred miles.

James Fenimore Cooper, the most charming, and in the opinion of some, the most visionary writer of tales, never wrote up the character and history of a judge, but we all have written it in our heads and consciences as we conceive him to be, poor and industrious, pure and independent. There are many who think that even the present Indian once was as Cooper conceived him, and that if he became as I saw him on the Western plain, the change was effected by the agency of his fellow man. We all know that the judge of to-day still is in the main, at least, what we have conceived him to be. Let us beware that in days to come he may not by our agency, be as unlike to that conception as the real Indian of the plains is unlike to the Indian of the book. That he may never become so let us place him beyond temptation by want. Let us select him with a sole view to his ability and character, and spare no effort to build up and maintain an upright, able, fearless and **non-partisan** judiciary, as the safest sheet anchor of our liberties.

### CALVARY.

The three memorial addresses here inserted are characteristic both of the relations existing between Roderick and his fellow members of the bench and bar, and of his views of the true functions of a lawyer and judge. They

are selected for that purpose from a number of similar addresses delivered by him in the course of many years. Judge Reber was one of his first associates on the Circuit bench, and Judge Madill was one of the last. Judge Gantt had preceded him as presiding judge of the St. Louis Court of Appeals.

At the Reber memorial meeting Roderick said: —

MR. CHAIRMAN:

To be thoroughly imbued with a love of justice, to possess a sense of it so keen that it overshadows all feelings and prejudices of race and sex, kindred, friendship and party, is the first necessary element in the composition of a righteous judge. To have strong common sense, to possess a fair familiarity with principles which underlie all law, and to have the moral courage to assert them on all occasions, and regardless of all consequences, is the next necessary element of a just and righteous judge. To have all these coupled with the industry which the work demands, and with that rare executive ability which enables one to dispose of the greatest amount of work in the least possible time, and still be able to give it all the care and investigation that the subject demands, makes up the sum total to constitute a righteous, just and successful judge in the higher sense of the term.

If, therefore, I say of our departed friend that he has been a just and righteous and successful judge, I pass on him the highest encomium which in that station of life I can pass on anyone.

I have seen these qualities of his mind and moral nature subjected to tests which but few would have withstood, and come out victorious. I have seen them come in conflict with his pride of opinion, and have seen his pride of opinion yield. I have seen them come in conflict with his party feeling under the most trying circumstances, but his party feeling did not for a moment make him hesitate or

halt, although the question was so close in some instances that his superiors found room to decide it the other way. In the time of the most violent commotions his fidelity to the fundamental laws of the Nation and State was never shaken. And yet Judge Reber was a man of strong individual opinion, both in politics and the law. No man can vouch for the latter better than myself. It so happened that for a long time we two were virtually, if not nominally, the only judges of the Circuit Court at a time when all questions of law had to be passed on by the court in banc. No decision was possible unless we agreed, except in cases of appeal. The occasions were not rare when, on propositions of law submitted to us, we maintained different views, discussing them day after day, week after week, he maintaining one view and myself another, both equally positive, both equally unyielding, both impressed with the necessity of coming to some conclusion — while the attorneys engaged in the case were, perhaps, wondering whether the judges ever would take the time to look at that case at all.

(The speaker then cited an instance where Judge Reber had decided a case contrary to the views of his associate, and months thereafter, the same question again arising, voluntarily admitted his error and then proceeded.)

Judge Reber had at that time been on the bench for many years, while I was comparatively a novice. He was a much older man than myself and a better lawyer. His voluntary admission of error at that time taught me a lesson by which I endeavored to profit ever thereafter, and I have always been deeply grateful to him for showing to me in this and other instances the true duty of a conscientious judge. The limited success which has fallen to my share, in administering justice, was owing, to a great extent, to his example and to the association with him; and I shall never cease to add my voice to the universal approbation of his conduct while on the bench.

There were other traits in Judge Reber's character which

should be held up for imitation to all men in his profession, and out of his profession, and in all stations of life. In an age and in the midst of a society when many deem it more important to seem what they are not, than to be what they seem, he was eminently sincere and free from all shams. In an age and in a society when and where there is, from day to day, a greater truckling to wealth, station and power, he was free from all servility and flunkeyism. He was far from being a violent man. In his disposition he was cautious and conservative. But he never hesitated to express his opinion boldly touching measures and men, irrespective of the popular clamor which supported the first, or the station which made the latter formidable. He was not insensible to the good opinion of his fellow citizens, but it was distasteful to him to seek it by any vain-glorious display, and impossible for him to seek it by flattery. The great share of that good opinion which he has gained, he has gained by his sincerity, industry and incorruptible integrity alone.

At the Madill memorial meeting, he said: —

MR. CHAIRMAN:

I remember no instance during the forty-two years of my connection with the St. Louis bar, when the departure of one of our brethren has caused greater regret and sorrow than the recent death of George A. Madill. It may truly be said that the bare statement of the truth, the whole truth and nothing but the truth touching his character, his attainments, and his services to the profession and the community in which he lived, is as great a eulogy as ever has been, or ever will be spoken touching the life, character, and attainments of any of our professional brethren. His history, so far as we are all familiar with it, may be summarized in a few sentences.

He came to St. Louis thirty-five years ago a stranger, without friends and connections, and distressingly poor in



worldly means. He died a few days ago numbering friends by the score and admirers by the thousands, rich in worldly means honestly acquired, but infinitely richer in the universal love and esteem of his fellow citizens. He devoted the best years of his life to elevate the standard of the profession, of which he himself was a bright ornament, by his labors at the bar, on the bench and in the lecture room, and by liberal endowments of money. The sweetness of the memory which he left behind him is without the alloy of one bitter drop. I could speak of his merits for a long time and yet I could say no more.

There are, however, two incidents connected with his history to which I shall briefly refer, because they furnish an object lesson to members of the bar, both young and old. When during the presidency of U. S. Grant, the then U. S. District Attorney in St. Louis resigned his position, an earnest effort was made by many prominent Republicans in this city to secure the office for Madill, then a young man comparatively unknown, and a Democrat in his political faith. This extraordinary compliment was soon thereafter followed by another, more successful in its results, and by one which was the marked beginning of that brilliant professional career with which we are all familiar. One of the three judges of the St. Louis Circuit Court was about to resign. The circuit was composed of the City and County of St. Louis, and its political complexion was overwhelmingly Republican. The presiding judge of the court, who was also Republican, did not believe in a partisan judiciary. He requested his associate to withhold his resignation until a satisfactory successor could be selected, and, having secured that promise, he sent for Madill. He had never met Madill socially before that time, but the latter had made two arguments before him which were marked by great industry, accurate discrimination, and forcible analysis. He told Madill that he desired him to become his associate on the bench to take the place of the judge then about to resign. The young



lawyer modestly demurred, stating that he was but little known, and that his election was impossible, since his party was in a hopeless minority in the circuit. It was with some difficulty that the older man secured Madill's consent to use his name as he saw fit.

The presiding judge then notified a number of prominent members of the St. Louis bar to meet him at a certain time and place. When they met he informed them what he had done, and requested their aid in the election of Madill. Some knew the young lawyer and thought highly of him. All knew his qualifications before the meeting adjourned, because they had faith in the discernment of their adviser, and knew that the matter was of vital importance to him. They all protested, however, that, owing to the political complexion of the circuit, the attainment of the desired result was impossible. The judge who called them together then showed them the way to accomplish it. The legal advisers of every newspaper in the city of St. Louis were members of the meeting. Every journal in the city before its next issue appeared was firmly committed against the call of a political convention and in favor of the candidacy of Madill. The associate resigned and those who had attended the meeting, with other members of the bar, signed a call on Madill to become an independent candidate. He did so, and was elected without opposition.

Need I say that the judge who brought about this result never regretted what he had done. The Circuit Court at that time was both a trial and an appellate court, its docket was overcrowded and behind for years. Need I tell of the weary hours in which the two friends worked together, often late into the night, often on Sundays and holidays when others rested, year in and year out, until the docket was finally cleared. The health of both was broken when they left the bench; one went to the West and one to the South to recuperate. Both returned refreshed and resumed their former no less arduous labors at the bar. Need I speak for the survivor and say that, although he had many

associates on the bench, both before that time and since, he never had one more intelligent, more faithful in his work, and more considerate in his conduct than George A. Madill.

I know it is selfish to claim precedence for individual grief, when a misfortune befalls an entire community. Yet there is one among you who claims it, who claims the right to say above many others, "faithful associate of my most arduous labors, faithful friend of a lifetime, farewell, may thy bright dreams of a future life be realized, and mayst thou there find additional reward for all the good that thou hast done while here below."

In reply to the request of the St. Louis Bar to spread the resolutions passed on the occasion of Judge Thos. T. Gantt's decease, upon the records of the St. Louis Court of Appeals, Roderick said:—

MR. BAKEWELL:

No more appropriate place can be found for preserving the tribute paid to the memory of Judge Gantt by his associates at the bar, than the records of a court which was partly his own creation, and over the deliberations of which he presided for years. No greater tribute can be paid to that memory, than the simple narrative of a faithful, useful and fruitful life, which is contained in these resolutions. To that tribute I can add but little beyond my indorsement.

It was my privilege to have known Judge Gantt for over a quarter of a century, and to have known him well. I have met him frequently in the trial of causes, and in his own refined home. I have spent many days with him in the solitude of the great mountains of the West, where man seems to stand face to face with his Creator, and where it is said his true nature is best shown because it is stripped of all artificial covering. In every place and in every relation of life, I have found him faithful and fear-

less, a true gentleman of the old school, and the finest specimen of a type fast passing away. I believe the number of those who knew him well was limited, because he was naturally reserved, but none could know him well without loving and honoring him. In all things he did he sought the approval of his own conscience in preference to popular applause. I wish we had more men who would as fully realize as he did the truth of the saying of one of his favorite authors, that "he who seeks applause only from without, has his happiness in another's keeping."

### **HIS WORK AS A PUBLIC SPEAKER.**

During that period of his life when he was more or less in the public eye, Roderick had frequent occasions to address large audiences on questions of public interest. While he was regarded as a forcible speaker, and partial friends considered him even eloquent, public speaking was always distasteful to him, and he engaged in it more as a matter of duty than one of inclination. His aversion was to some extent augmented by the fact that he spoke the English language with a marked foreign accent, which caused him some embarrassment when addressing mixed audiences. He never spoke in public without an object he tried to further, nor without preparation, except in rare cases when he was called upon unexpectedly. Some of his public addresses are here given in chronological order, which, regardless of their merit in other respects, have a tendency of showing his views touching men, measures, and social conditions.

In 1867 the trustees of Washington University in St. Louis established a law school. Among the annual functions was an address delivered to the graduating class by a member of the advisory board on commencement day. Roderick was selected by the Faculty to deliver this address to the first graduating class on May 10th, 1869, and spoke as follows: —

Graduates of the law class of 1869: I have been requested on behalf of the advisory board of the law faculty to address to you a few words at the close of the exercises of to-day — a few words of encouragement and advice. It has not been my fortune to meet you all assembled face to face before to-day. I may never meet you so hereafter, and this makes me anxious that the few minutes I shall now consume, shall not by either of us be ranked hereafter with the dead and lost time of the past.

Two years ago the managers of Washington University concluded to teach within their college halls a branch of learning heretofore untaught in public within this city, save in the courts. The enterprise was of doubtful success, and the managers did not deem it proper to invest means needed to carry on other branches of learning in its furtherance. It became necessary to call upon men eminent in their profession to aid the new enterprise by a voluntary contribution of their learning and labor, and it was done.

And, lo! from the bench which they had graced for many years, and on which they had established a reputation not confined to this place or time — from the bar in whose ranks they had stood illustrious, and where substantial rewards had accompanied their labors — men came and devoted themselves to the task, without any other fee or reward, save the reward most grateful to noble minds, to see the rich grains of their intellect germ and bear fruit in other minds, and according to the wise law which governs the world of mind as distinguished from the world of matter, to grow richer while they gave.

Gentlemen Graduates: I am here to-night to speak to you and not to them. But it is not to them but of them I speak, when I say that I am proud to claim fellowship in a profession which brings forth such men. It is not to them but of them I speak, when I say that by devoting the few free hours of the day left to them by the arduous labors of their profession, to the propagation of science instead of their own recreation, they have earned the thanks of



this community and of this commonwealth. It is not to them, but of them and of you I speak, when I say that if the complete success of the result can add to the merit of their labors, let the addition be made to-day.

I speak advisedly. Though I speak but as one of the examining and advisory board, in this matter I speak for them all. At the request of your professors we have subjected you to an examination of several days' duration, far exceeding in thoroughness and severity the examination of students in this branch of learning at any other school in the United States. We have tested your powers of reasoning by requiring of each of you a dissertation on some subject in the law, and have carefully examined the theses so furnished. The examinations were conducted in a manner calculated to test not only your book learning, but also the analyzing faculty of your minds. Throughout all these trials you have acquitted yourselves well, some excellently well—none below mediocrity. I have taken the measure of law classes in my college days, and can say that yours compares favorably with all that I have ever known.

Your college days have closed; your life as students has begun; you have chosen a profession wherein study should never cease, wherein it can never cease but at the sacrifice of success. The elements you have acquired—their practical application you will have to learn, and will learn from time to time. Their practical application, I say, because the true answer to the most intricate question in the law can be found by the correct application of elementary principles.

Let me therefore here advise you to follow this method in your future studies: Never to believe you know what the law is in any given case until you know all the elements which make it the law; never to hunt for decisions to teach you what the law is, but to establish what the law is first in your own mind, and then to look up the decisions to support it. Decisions will change if imperfect declarations of the law, but the true law never—except in its applica-



tion. Patient research may in many cases, if not in all, untangle the meshes of the most intricate case; but the keen-edged weapon of analyzing thought will strike with one blow through the Gordian knot.

Read slowly whatever you read, and not too much. The mind, like the body, gains its nutrition in proportion to the food digested, and not in proportion to the food consumed. It is not memory that makes a lawyer, but judgment. Over-reading has often hurt many a mind, but over-thought (if the word is admissible) seldom if ever.

Read slowly, and whatever law book you read, after every proposition laid down, read the invisible "why." The "why" is generally founded on solid reasons, and very seldom arbitrary — if arbitrary, made so by a long series of adjudications, followed to give to the law one of its elements of justice — certainty — and then it must be learnt.

Laymen believe the law is often oppressive and unjust, because they, in the very nature of things, can see but a few of the elements that go to make up the whole result.

Let me next advise you to be slow in your pronouncing judgment. The temptation to young lawyers is great to pass hastily on a proposition put, for fear their clients may otherwise suspect their sagacity or learning. A hasty judgment may be correct, but it is not apt to be correct, and but very seldom knowingly correct, and a good lawyer should never guess at the law. Bad advice breeds more needless litigation than many other things, and the duty of a lawyer is to keep his client out of court, as it is the duty of a physician to keep his patient out of bed, if possible.

You will soon find out that as all other things, animate and inanimate, a professional man generally has two reputations, sometimes almost — never quite — alike — the reputation of truth and of appearance. The planet, Jupiter, to the great mass of men, is but a small shining speck in the distant firmament, utterly insignificant as compared in size, lustre and importance with the moon, yet

the scientific man knows its infinite superiority in these particulars over the latter, and knows that the latter is but the satellite of a satellite while the former has satellites of its own.

Coke, Mansfield, Eldon, Marshall, to those who have not the means to take their angles and measure their mental size are but small specks in the legal firmament, but those who have those means know them to be luminaries of the first order. I have known young men in our profession able and ambitious, too proud to seek a reputation for ability outside of the circle of those who were able to pass judgment upon their merits, and I thought them wrong. I have seen others who were seeking a reputation mainly outside of that circle, and valued that reputation higher than their reputation in the profession, and I thought them still more wrong. The applause of those who know us best is grateful to our feelings, because it is well deserved, but the applause of all men should be still more grateful if equally well deserved. To make a successful practitioner a reputation among the bar alone does not suffice—an extensive sphere of usefulness can be gained only by being extensively and favorably known. Do not, therefore, seek to establish a reputation for professional merit in the community regardless of what your standing may be at the bar, but acquire first some reputation among your professional brethren, and then extend that reputation in the community, and narrow the gap between your reputation of truth and reputation of appearance as much as possible.

From what I have said, it follows that I deem it pernicious to a young lawyer's success if he attempts to obtain too great a share of business in the beginning. His work to be done well, must be done deliberately; it must be done deliberately and well to accustom him early to do thoroughly whatever he does. Thus alone will he become favorably known among his professional fellows—because no profession criticizes its members more severely than

ours—and if favorably known, will soon get enough to do. The market is never so overstocked but there is a sale for first-class articles, the city is never so overbuilt but there is room for the upper stories.

And now, gentlemen, I desire to add to what I have said, a few words on a subject of paramount importance to you and of paramount importance to the community in which you live. We are all citizens of a democratic republic, and far be it from me to claim for any profession any pre-eminence or dignity over others, except so far as the very nature and form of our government establishes such pre-eminence. If I say what I do say now, it is not done to instill into you false feelings of your own importance, but to call your attention to your duties and responsibilities towards your fellow citizens, which are incident to and correlative to the advantages of your position. Theoretically here, the people are the sovereign, and the only sovereign; but practically, the will of the people, as manifested in its laws, is the sovereign, and the only sovereign, and he who stands next to that sovereign exercises an influence by virtue of his position, which is foreign to those who stand more remote.

As in ancient theocracies, the priest who dealt out the mysteries of the feigned deity and promulgated its laws; as in medieval monarchies, the steel-clad baron who, with his armed retainers, stood around the throne and by brute force upheld a reign founded on that principle, so in modern democracies governed by law, the lawyer, by virtue of his professional learning, stands next to that sovereign.

It is a maxim of the law that all persons are supposed to know the law; it is one of those conclusive presumptions which cannot be gainsaid by evidence. Among people living under a democratic form of government it is a conclusion logically correct, because the law is but the emanation of the entire people's will. But even then, though logically correct, practically untrue. Being certain and fixed, its knowledge is accessible to all, but access to

the knowledge being difficult, it is practically accessible to but few. It is but natural therefore that those who have gained access to that knowledge should wield a peculiar power in the State, because they practically know the people's will, which the mass of the people as individuals practically know not; not less natural that while the politicians of the nation make the nation's speeches, a nation's lawyers frame a nation's laws.

The justice and purity of the laws, and their just and impartial administration are the main safeguards of a people's liberty. Wherein the law is unjust, as it may become in some things, because a progressive civilization necessarily changes somewhat the relations of man to man, and the individual to the aggregate, it will be for you to devise and advocate appropriate changes in the law, wherein it is defective, as defective it may become, because a heretofore unknown state of things may call for new remedies; it will be for you to devise and advocate those remedies.

But it will be for you to do more than that. To guard the justice and purity of the laws and their impartial administration, against the people itself. Not to oppose defiantly, yet to oppose, for the purpose of changing it, the people's will itself, when that will becomes dangerous to the people's welfare. Misunderstand me not. The people is theoretically always right. It is practically always right in its instincts, but often wrong in the measures it adopts. It knows not their danger, not knowing their ultimate bearing and effect.

Time may come, as times have been, when high-strung passions may obscure the calmer judgment of the masses, when to secure an immediate effect, the people become clamorous for measures ultimately dangerous to its own liberty. Then it becomes your duty to oppose your more unclouded judgment, as a stemming rock to the raging flood, at the risk of your own advancement, at the risk of your popularity, at the risk of all that man can risk.



Fear not but the time will come when you will stand vindicated—when your memory will stand vindicated if you no longer live. There is an inherent sense of justice in the masses which ultimately will overcome all obstacles. Woe to the man who, in such a time, knowing the evil that he does, adds fuel to the raging flame in order that he may warm himself. Woe to the man who knowingly in such a time, helps to tear open the flood-gates of the waters in order to be borne himself on top of the rising flood. He may gain temporary success, but if he lives long enough he will outlive his own esteem. He will outlive the esteem of his fellow men, and go to his grave unblest and unremembered, or, if remembered, remembered only that coming generations may hurl at his memory their “anathema sit.”

But if the responsibilities of your profession are great, its rewards are proportionately rich. Industry and perseverance are sure to secure to each of you high social standing, material independence, and an extended sphere of usefulness.

You go out hence to meet those responsibilities, and strive for those rewards. Take with you our best wishes for your success. Our semi-official connection with you terminates to-day. But on behalf of my associates, and on my own behalf, as far as I can do so with propriety, I desire to say, “whenever our advice can be of use to you in your future struggles, do not hesitate to make use of us as your own advisory board.”

In March, 1881, Frederick Hecker died. He had been the leader of the revolutionary movement of 1848, in the Grand Duchy of Baden, Germany, was in many respects a remarkable man, and one wholly free from all shams. At the time of his burial in the woods, near his home in Summerfield, Illinois, representatives of all nations who participated in the liberal movement of 1848, had assembled, and had decorated his bier with wreaths, on behalf of



their respective nations. Roderick had then and there made a short address, in depositing a wreath on behalf of Hungary. When, some time afterwards, the compatriots of Hecker had erected a monument perpetuating his memory in one of the public parks of the City of St. Louis, Roderick was selected to deliver an address in the English language as part of the ceremonies unveiling the statue. He spoke as follows, to the 15,000 people there assembled:

FRIENDS OF LIBERTY — I thus salute you, assuming that no one attends here to-day who is not in some degree animated by the spirit which was the guide of his life whose memory we have met to honor, of the life of Frederick Hecker, a tribune of the people.

Born in a small town in the Duchy of Baden, seventy-one years ago, of parents in affluent circumstances, he was reared for the profession of the law. A diligent student, of rare eloquence and pleasing exterior, he soon rose to eminence in his profession, and was sure to earn the highest reward it had to offer. But wealth and station had no allurements for him. At an early age he espoused the cause of a client, who, at that time in Europe, exacted all the time and energy of its advocates, and yet in return gave no other reward to its defenders than poverty, the prison or exile. In the case of the people against its oppressors, he entered his appearance for the plaintiff.

At the age of 31 he was elected a member of the house of representatives and soon became a leader of the extreme left. He advanced rapidly in popular favor and became correspondingly obnoxious to the government. Within five years he was a leader of more than local reputation and in the opinion of the grand ducal government a fit subject to be tried for high treason. But the times were ominous. There was a distant rumbling sound which presaged the eruption of the French volcano. People began to rally in defense of their favorites, the threatened prose-

cution had failed to intimidate Hecker, and the trial never took place.

Then came the days of 1848. Who does not remember them? It was the springtime of liberty. From the Seine to the Don and from the Po to the Elbe swept the hurricane. Thrones were leveled and sovereigns reluctantly bent their necks before the popular will. The nations of Europe rose as with one accord in their demand for popular representation, for liberty of conscience, freedom of speech and freedom of the press. Three names were upon the lips of the people everywhere, in speech and song; three men were within the people's hearts, the foremost champions of their rights: Garibaldi, Kossuth and Hecker. But the war of words soon became a war of arms. In the spiritual contest the leaders of the people maintained the field because they were right, but in the contest of arms the bayonets of the oppressors prevailed because they were mighty. Within a year the tribunes of the people were wanderers in foreign lands, while at home the prison and the gibbet carried on the great work of restoration, and even the people blamed their absent leaders for their errors.

Garibaldi, Hecker and Kossuth, they all may have had their faults. But the faults of great and true men are like the foothills around the base of lofty mountains, the nearer we stand to them the more they obscure our judgment of their true proportion by hiding the peaks that rise beyond. But when we draw farther off, these foot hills slowly shrink, and finally sink into the plain, while the mountain giant first obscured, rises free and clear in majestic grandeur. Even so as we look at the lives and deeds of these men from a distance, do we realize how insignificant their faults were as compared with their great moral qualities.

Who has read and can ever forget the tale and lesson of that funeral service on the lonely island of the midland sea, where all nations honored themselves by honoring the

mighty dead? Who can forget that solemn pageant moving through the Eternal city, while sorrowing Italy bent her head?

What man who witnessed it will ever forget the scene around that humble grave in the silent woods of Illinois? The realist and the poet, the priest and the infidel, the conservative and the communist, the German and the Frenchman and natives of many lands, who had been drawn to this grave by the great load-stone of liberty, stood around it and decked it with flowers bedewed with tears. The acrimonious strife of interests and parties was forgotten; forgotten the bitter national animosity. One thing alone was remembered, that before them and among them lay the silent form of one, whose love in its broad humanity had embraced them all, and whose spirit, though his lips were forever closed, was powerful enough to proclaim and make them realize that the universal brotherhood of man is more than a poet's dream.

In 1849, attempts at the political reformation of Germany having wholly failed, Hecker came to this country. Not to sit on the waters of Babylon and weep, but to continue the earnest work of his life. He fully realized the truth that in order to do much for the people with whom one lives, one must become part of that people. That the land of our fathers is entitled to our grateful memories, but the land of our children is entitled to our active work. When he came to America he became an American. He took an active and, at times, all-absorbing interest in the social and political life of the nation of which he became an adopted son. From his rural home within a few miles of this city, where he reared his family, supporting them by tilling the soil, he emerged from time to time, and appeared in the political arena and the lecture room as an apostle of his faith. Earnest, erudite and eloquent, and an implacable foe of all superstitions, shams and pretenses, he always carried his audience. And the people whose adopted son he was loved and honored him

in many ways. One instance I shall recall as evidence of his thorough identification with the American people, shortly after he became a citizen: —

A few weeks ago, in the heart of that great mountain wilderness, which separates the Atlantic from the Pacific States, a miner exhibited to me a relic which he had carefully preserved for many years. It was a small slip of paper, a copy of the first ballot cast in the struggle which finally liberated and enfranchised millions of the human race. I remembered it well, because, as chance would have it, it was a copy of the first ballot I myself had cast as an American citizen, in the State of Illinois 25 years ago. At the head of that paper, as presidential electors at large, I saw two names. One has since become a name of world-wide fame — both names of men dear to the American people — Abraham Lincoln and Frederick Hecker.

Here, too, like in his old home, the war of words soon became a war of arms. Here, too, like in his old home, he was found in the ranks on the side of liberty, maintaining his faith with his sword, and sealing it at Chancellorsville with his blood. But happier here than in his old home, the cause he advocated was equally triumphant in the legislative halls and on the battlefield, and he lived to see the day, when a reunited people, chastened by suffering and purified by blood, grown stronger, wiser and better through misfortune, condemned with one accord the monstrous wrong of human slavery. Throughout his life he remained a consistent and unfaltering Republican. He recognized but one true government for the people, the government by the people. There came a time when even some of his old comrades faltered in their faith. The fame of the German arms rang through the civilized world. The genius of a German statesman had fashioned a united Germany out of many parts, cementing them together with iron and blood. The rays of glory had dazzled the eyes of



many, and they sang hosannahs to the victorious emperor and to the iron duke. But the rays of glory never dimmed his penetrating sight. It was not glory which he wanted for the people of his native hills, but a free, just and economical government. When he visited his native land soon after the Franco-German war, his warning words were little heeded even by his former political adherents, but he and they have lived to see them verified.

My friends, I am not here to affirm that Frederick Hecker was a great man in the popular sense of that term. He was more than that, he was a good, true and brave man in the highest sense of these terms, and loyal to his convictions throughout a long and eventful life. He was prominent enough to make all these qualities felt. The lives and deeds of such men are not like the footprints on the sandy beach of a mighty ocean, that when the waves of time roll over it, they become effaced, and future generations see no mark. The lives and deeds of such men leave a lasting imprint, which we see and remember, and which aids us and our children to lead a braver and truer life.

The tendency of the age in which we live is eminently material. In our infinite conceit we call it eminently practical. The criterion of merit, and often the sole criterion, is success. In the race for wealth and power, the welfare of others, not seldom our own better instincts are disregarded and forgotten. We find no words to stigmatize successful crime. Thirty-four years ago a man stood up before the assembled representatives of the French nation and took a solemn oath that as its chief officer he would defend its liberties. Within three years he broke his oath and slaughtered those who dared to defend what he had sworn to defend. According to the laws of his land and time, and the ethics of all time, he became a perjured assassin. And yet, within a few years thereafter, a woman whom we all honor, because she was a good wife and a good mother, and because in the days of this country's great affliction her heart went out to the stricken widow, even



she took this man by the hand, and called him brother, and led him into her mansion on the Thames an honored guest. Such, some said, was the morality of sovereigns. Such, I say, is the morality of public life. Only when his power was gone; only when he was vanquished and humiliated, and fleeing from the wrath of a people whom he had plundered and betrayed was suing for mercy from a victorious foe, did the world find out that he was a bad man after all.

We are apt to look upon him as a visionary dreamer who believes and proclaims that truth and justice and honor should be cherished and loved for their own sake. We are too apt to call him a dreamy enthusiast who believes and proclaims, that it is our duty to improve the condition of our fellow-men, regardless of the fact whether in so doing we improve our own.

And it is for that reason that I call this day a day of triumph of our better self, because we have met here together and by our words and act proclaim, that because Frederick Hecker loved truth, justice and honor for their own sake; because, without reward, he strove to improve the condition of his fellow-men, we have reared this monument to his memory, so that even the unlettered of future generations may remember him as we remember him to-day.

Louis Kossuth, ex-Governor of Hungary, the most devoted patriot, and the most brilliant orator of modern times, died in Italy in the year 1894. His remains were brought to Hungary for interment, by a people who idolized his name and memory. The funeral cortege escorting the remains to the cemetery on the Rákös, the ancient assembly ground of Hungarian freemen, was probably one of the most imposing the world had ever seen. Memorial services were held in all parts of the globe where Hungarians resided, and among other places in the City of St. Louis, being attended in the latter place by

the Mayor of the City, and all the resident Judges of the State and Federal Courts. Roderick was selected to deliver the memorial address and spoke as follows: —

MR. CHAIRMAN AND GENTLEMEN:

It is ordained by the eternal fitness of things, that not from palaces of the great, but from the abodes of the humble, should emanate the great tribunes of the people. Those who lie closest to the heart of the great mother are fittest to give expression to the yearnings of that heart. The history of mankind has verified this fact from the beginning of the Christian era to the present day. The life and deeds of the phenomenal man whose memory we meet to honor, and which form a prominent part of the history of this century, has also verified it. Born of humble parents at the beginning of the century, and departing at its close, he devoted three-fourths of that period to the welfare of his people. For half a century his name was identified with its history, and two continents rang with its fame. He failed to found a worldly empire, but he built an empire of love in the hearts of his people, and sat upon its throne without a rival, and when he died, of all his nation's sons, he left the sweetest memory behind him.

The imagination of mankind is but like the imagination of a child. It fastens itself to prominent objects and loses sight of the surroundings which give them prominence. Mountains, cities and men are to us representatives of countries and their history. Mont Blanc stands for the Swiss Alps. Rome, Sparta and Athens, are still to many of us the Roman Empire and Greek Confederation. We know the history of Alexander but not of Macedon. Luther and Gustavus Adolphus stand for the history of reformation. And yet how utterly futile to comprehend and measure a man unless we know the conditions which surround him. A man of genius may sometimes mould conditions and adapt them to his purposes, but to create conditions is be-

pond the reach of even genius. To bring these conditions before you shall be my first task.

More than a thousand years ago, a large horde of barbarians coming from Eastern Asia, poured across the Carpathian mountains and seized the plains of Southeastern Europe. Like a wedge driven into a yielding mass they pressed the then inhabitants of the country, who were of Sarmatic, Greek, Roman and Dacien origin, upon the rugged slopes of the surrounding hills, while they themselves occupied the fertile plain. The invaders and conquerors were the Magyars, and they and the conquered, nearly one thousand years ago, founded a kingdom, then and ever since known as the Kingdom of Hungary. The kingdom was elective and so remained for seven hundred years. The race was hardy, warlike and intelligent. The rest of Europe in many parts changed its dominant races for centuries thereafter, but the foot of the Magyar remained where he planted it more than one thousand years ago, and his dominion was never disturbed. The people shortly after their advent became Christians. Their first king was not only a Christian but is a canonized saint of the church, and hence we must assume was both a wise and good man. In the middle ages the heroism and Christian fortitude of these people stood as a bulwark between eastern fanaticism and European civilization, and if Europe is what it is to-day it is due to this people, of whom countless numbers fell as martyrs of their faith and patriotism before the sword of the Ottoman.

The government of this people was from its earliest date a government by the people; although the people at that date meant only those who were of free or noble birth. The people decided on all measures of national importance, first in convocations of the freemen, and afterwards when that became impracticable owing to their number, by parliamentary delegates. They elected their kings and crowned them, and a king not thus elected, and crowned

with the crown of St. Stephen, was never recognized as a legitimate king.

The Hungarians were a freedom-loving people and jealous of their rights. They were fully alive to the sentiment that "resistance to tyrants is obedience to God." It is a strange coincidence that the most western and the most eastern nation of Europe should be called upon almost simultaneously to give practical meaning to this sentiment. In 1215 the nobles of England assembled at Runnymede, and wrung from a reluctant tyrant the great charter of the nation. In 1220 the Hungarian nobles assembled, and wrung from another tyrant the great charter of that nation, known as the golden bull, which guaranteed to them among other things the right of armed resistance to tyrannical measures of the king. That charter remained inviolate until 1687 when Leopold of Austria, then elective King of Hungary and sworn to obey the provisions of this charter, forced the nation, to repeal this *provision*, and forced its congress to declare that the throne was hereditary in the house of Austria. But so soon are injuries forgiven by a magnanimous nation, that notwithstanding this exaction of the perjured tyrant, the Hungarians saved not only the throne of Hungary but that of the Austrian Empire to his grandchild, Maria Theresa, when abandoned by all the world she fled among them for support. It was then that the historic cry of "*moriatur pro rege nostro*" resounded, which within two centuries owing to the second great perfidy of the house of Austria was to be turned into another "*moriatur*."

In the beginning of this century a new light fell upon the Hungarian nation, and the national spirit received a new impetus. The literary and artistic taste of the people which lay dormant for centuries, revived. Poets, painters and sculptors arose, the fame of some of whom spread far beyond the narrow confines of the land. New industries sprang up in every direction.

It was among these surroundings that Kossuth was born



in 1802. He was born on historic ground, where the vine grew more luxuriant because the soil was fertilized by the blood of patriots. Monok, the place of his birth, is but a few miles from the ancestral seat of the Rakocy's, whose name is indelibly connected with the struggles for Hungarian independence and religious freedom. Many of his ancestors had unquestionably followed the standard of these patriot heroes, and that of Tököly, as it is said that no less than fifteen of his race had suffered martyrdom upon the scaffold for their convictions. He sprung from a race which though humble, had acquired a prescriptive right of breeding patriots and martyrs. His parents though noble were poor, a combination quite frequent in that part of Hungary. The expenses of his collegiate education were defrayed by a wealthy patron. He studied for the bar, entered it, and had acquired a high standing in his profession when at the age of thirty he was first called upon to defend an oppressed client against a powerful antagonist — the people against their sovereign.

I shall not weary you with details of the history of his rapid rise, his journalistic efforts, his two years' imprisonment for violation of the press laws. All persecution and suffering made him but stronger, more determined, and dearer to the people, so that he was returned to parliament in 1848 by an overwhelming vote. When that memorable parliament assembled, he stood unquestionably foremost among its members, and in the hearts of his countrymen. The constitution of that year was mainly his work, and many of its features could never have been carried *even through parliament* without his zeal and eloquence. I say even through parliament because you must remember these facts: It was a parliament of nobles, elected by nobles, and the constitution ordained that all privileges of the nobility should cease, and suffrage should be next to universal. It was a parliament of land owners, whose lands were tilled by serf labor; and the constitution ordained that all labor should be compensated, and serf labor should forever cease.



It was a parliament composed in the main of Catholics, and the constitution ordained religious liberty, freedom of conscience and freedom of the press, and general education of all classes at public expense. Public expense meant the expense of those who framed the constitution, because they were the main owners of the wealth of the land.

In April, 1848, this constitution received the royal sanction, and the joy of the nation was unbounded. The constitution provided for a Hungarian Cabinet responsible to parliament, and responsible in the fullest sense of the word, because any of its members found guilty of treason, bribery or oppression, were placed by its very terms beyond executive clemency. It seemed to have provided for all wants of the newborn nation save one, which want no constitution of a *monarchy*, however carefully drawn, has yet lastingly secured — good faith on part of the king.

In the Cabinet, which was at once formed, Kossuth was placed in the most responsible position — that of secretary of an empty treasury. On accounting with the imperial cabinet it was found that the money which by rights should have fallen to Hungary was all spent, save less than \$200,000. Knowing that a young nation cannot afford to begin housekeeping with unsecured money, he made a fervent appeal to the people for gold and silver treasure. There was an enthusiastic response. Within a few weeks the gold and silver plate of the nation filled the coffers of the government to an extent authorizing the issue of well-secured paper money in excess of six millions of dollars.

There was a Hungarian army nominally under the control of the newly created Secretary of War, but it had always been the policy of the Austrian government to keep that part of the army recruited in one of its provinces, stationed in another. The so-called Hungarian army was in Austrian Italy, Poland, Bohemia and Austria proper, and everywhere else except in Hungary, and the sovereign took good care that the soldiers of this army should never return, except such as fought their way back through oppos-

ing forces a few months later, in order to fight and die with their own people, because the intrigues for the annulment of the new constitution, on the part of the advisers of the sovereign, began contemporaneously with its grant.

Among the many touching incidents connected with this episode I shall mention only one. When it became imminent that the nation would have to defend by arms its constitution against the king, the committee of national defense issued a call to Hungarian troops stationed abroad to return to their country. This call reached a regiment of Hussars stationed in far-off Poland. Its adjutant, a dear kinsman of mine, who was a favorite with its officers and men, rode to the front of the assembled regiment, and read the call aloud. The commander ordered the troops to shoot him down, but they refused. One hundred and fifty enlisted men left the ranks, and begged my young friend to take them home. Without means or provisions they started for their country hundreds of miles away. They had to fight their way through opposing forces, because the main roads were blockaded by hostile troops, who had orders to hunt them down like wolves. After untold hardships they reached the border, but of the one hundred and fifty who started but ten remained. As chance would have it they crossed the boundary near the spot where Arpad's warriors had crossed one thousand years before, and when their young leader told them that they at last stood upon Hungarian ground, they all dismounted and kissed the soil at their feet. And what became of the young hero? you will ask. He fought bravely through the war, but had the misfortune to survive it, and to become a captive. He was tried and sentenced to be shot, but by mercy of his sovereign lord, the king, was pardoned to imprisonment for life.

The only original military forces under the nominal control of the Hungarian government were the so-called boundary regiments of Croatia and Slavonia, whose jealousy and disaffection with the Hungarian government, was fanned

into open rebellion against it by emissaries of the imperial cabinet. This army within a few months became an army of enemies in the very heart of the land.

In order to judge the man of whom I speak you must know the conditions which surrounded him. I hold in my hand one of the bills issued by the Hungarian Treasury and secured by the bullion raised by his eloquent appeal. Its denomination is printed on it in five languages, representing the five principal races inhabiting Hungary. Of these races, outside of the Magyar, the German alone was faithful. With that characteristic fidelity to his adopted country, and that love of political liberty which marks the German everywhere, he at once arrayed himself on the side of the new government. The other three races, representing one-half of the entire population, took sides against it. The nation had no money, no arms, no army. Hostile organized forces were on its southern border. It was cut off from all communication with friendly neighbors. Greatly through the energy and eloquence of him of whom I speak, as Secretary of the Treasury, as Chairman of the Committee of National Defense, and finally as Governor, within one year all this was changed. The treasury was replenished, an army was created and equipped, domestic insurrection was suppressed, the united Austrian and Russian forces were driven from Transylvania. The invading Austrian army was scourged back to the very walls of the Austrian capital, and the emperor was driven to the humiliating step of invoking the aid of the great autocrat of the North, to aid him in subduing a small fragment of his own subjects. But all this is history with which you are as familiar as myself. Let me give you something which history cannot give you—my first and last physical view of Kossuth and his surroundings. Two pictures which have made an indelible impression on my imagination so that I can see them both to-day.

It was in the summer of 1848 when, with a boy friend, I entered the gallery of the Hungarian Parliament. The

honeymoon of the Revolution was over and troubles had commenced. The Banus of Croatia was on his hostile march towards the capital. Below us was a sea of interesting faces representing the political intelligence of the nation. The massive head of Deák, who afterwards became the great pacificator, that of the fiery Boethy, of the eloquent Bezzeredy and Klausal. The curly head of Petöfy, sweetest of oriental poets. The debate was heated and the excitement intense. A man in the uniform of a private of artillery left the Government bench and mounted the tribune. All men, high or low, were soldiers in those days. I knew him at once, though I had never seen him before. He began in a low, melodious voice, with cheeks pale and eyes dim, having recently risen from a sick bed, but as he warmed with his subject, his eyes became radiant, his face animated, and his voice rang out like a clarion note, filling the most remote recesses of the immense hall and carrying conviction to every heart. Never till then had I fully realized the power of the human voice, and its magnetic force, when wielded by genius, and had he called upon me to follow him into the very jaws of death I would not have hesitated.

It was one year later, in the summer of 1849, when last I saw him. The closing days of the great tragedy were close at hand. The combined Austrian and Russian armies were pressing our forces southward. The refrain of the nation's war hymn called passionately on God for aid, because all human aid seemed to fail. It ran thus: —

“And, O God, thou great God of the Magyar race,  
 ‘To thy people, thy good people, thy true people, show thy grace;  
 Aid thy children, put thy power in their hands,  
 And thy world-destroying Ire on the keen edge of their brands.”

It was a moonlight night, on one of the great public squares, in a town of Southeastern Hungary. The square was filled with men, many of whom wore the red cross fastened to their breast, because Kossuth was preaching the



crusade. He stood upon a balcony on one side of the square, and his voice again rang out like a clarion note, filling every recess of the immense square and finding its way to every heart; it had lost none of its force and none of its alluring power. And when he ceased there was a shout which made the welkin ring. It also was a *moriamur*, but not *pro rege nostro*. It was the *morituri te salutamus* of Freedom's gladiators addressed to their country.

And next day there was the gathering of men, and fluttering of standards, and the shrill bugle note; but alas, it was but

Blow, bugle, blow, send the wild echoes flying,  
Blow, bugle; answer, echoes dying, dying, dying.

That he should have exercised the great influence which he did over the hearts and will of his own countrymen is easily understood. It is love which breeds love, and his love for his people was all-absorbing. Besides, he spoke the language of the Orient to Orientals, and spoke it as it never had been, and probably never will be spoken till time and man shall be no more. But he carried that magnetic power with him wherever he went. There are many within the sound of my voice who were witnesses of his triumphal march through America. Of the unbounded enthusiasm that greeted and followed him here, although he spoke a language he had practically just acquired, and spoke it to a Western people. Even the peaceful Quaker poet Whittier, whom we all loved while he lived, and whose memory we still revere, was transported by his enthusiasm for this man, who was anything but a man of peace. Many of you know his magnificent apostrophe addressed to Kossuth on his arrival in America.

Type of two mighty continents, combining  
The strength of Europe with the warmth and glow  
Of Asian song and prophecy, the shining  
Of Orient splendor, over northern snow.  
Who shall receive him?



Oh, for the tongue of him who lies at rest  
 In Quincy's shade of patrimonial trees;  
 Last of the Puritan tribunes and the best  
 To lend a voice to freedom's sympathies,  
 And hail the coming of the noblest guest  
 The Old World's wrong has given the New World of the West.

Yet we all know what bitter disappointment the visit had in store for Kossuth, notwithstanding his enthusiastic reception by the American people. The President, the Cabinet, Congress and the Governors of States, and the municipalities of the larger cities, all vied with each other to show him such honor as never was shown by them to any man, not even to Lafayette. But it was not honor he came to seek, but the aid of the American Government for the restoration of the independence of his country. He came as Kossuth, the Governor of Hungary, and was received as Kossuth, the Hungarian patriot and exile. We all know that any other reception was impossible, and he must have realized it himself shortly after his arrival, but his disappointment was nevertheless severe. The United States of America had watched the struggle of the Hungarians for liberty with the keenest interest. Whatever material aid its citizens could give during the continuance of the struggle was freely given. Even when the struggle was over, Capt. Ingraham had cleared his ship for battle in the harbor of Smyrna, when the Austrians temporarily denied his peremptory demand for the surrender of Martin Kosta. But the Austrian Government had carefully avoided all cause for war with America, and a causeless war was out of the question. The warning words of the nation's first and greatest citizen were still too fresh in its memory:—

“A passionate attachment of one nation to another produces a variety of evils. Sympathy for the favorite nation facilitating the illusion of an imaginary common interest in cases where no real common interest exists, and

infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducement and justification.’’

Kossuth returned to England with his last hope dispelled, if hope it ever was, and spent the remainder of his days there, and afterwards in Italy, as an exile from his country, but not, as some seem to think, a voluntary exile.

We are apt, when men fail in some great undertaking, to ascribe the failure rather to them, than to conditions which made success impossible. We are apt, when reviewing the lives of great men, to pick out an error here and there, and say it should have been avoided. We forget that in most cases these seeming errors are but the outcome of sublimer virtues. Why, say some, did Kossuth advocate Hungarian aid to Austria in its war with Charles Albert, when it was well known that the House of Savoy was the most liberal dynasty in Europe? Why, say some, did he not permit the Hungarian army to invade Austria in 1848, while the people of Vienna still held out against the Imperial troops? Had he permitted it, the besieging army would have been between two fires, and one great blow would have annihilated the Austrian Empire and established Hungarian independence. The answer is simple. He had sworn to obey the constitution, and his oath was a living and sacred thing, because it was the oath of a citizen. It bound him to aid his sovereign against his foreign enemies. It bound him not to raise his hand against his anointed king, until the perfidy of the latter was established beyond all peradventure. Thus from the highest virtue of the people springs its greatest weakness. What oath ever bound the sovereign when it was his intention to disregard it? What interest can ever outweigh the sacredness of the patriot’s oath?

Some say that Kossuth was a dreamer, meaning thereby to say, that he was a man unfit for the practical aims of life. Go and tell that to the Hungarian Jew, who was but a pariah before 1848, and who now sits in the councils of

the nation side by side with the proudest of the land, and whose child trudges to the public schools side by side with his catholic brother. Tell him Kossuth was a dreamer, and hear what he will say. Tell it to the Hungarian peasant, who was next to a serf in 1848, and now tills the soil which he owns himself, and listen to his answer. Was the replenishing of an empty treasury a dream? Was the creation of that magnificent army, which swept the invading forces of the faithless king from the land, nought but an empty dream? Blessed be he who can dream dreams which bear such everlasting fruit.

Is not our present civilization but an outcome of one of these dreams? Was the creed of universal love and brotherhood, when it was first born in the midst of the brutal Roman Empire, ought but the wildest dream? And yet one died for it upon the cross, and thousands followed him, and hundreds of thousands died for it in the amphitheater and at the stake, until the necessities of Constantine made the dream a reality.

Some say Kossuth was an idealist. Is it perchance because he maintained that a people have a right to defend by arms its chartered liberties? Is it because he thought that an oath is equally sacred, whether sworn by a king or the humblest in the land? If to hold such views be error, let us erase from the revering mind of our children the memory of Washington, and the Adamses, and that of all our great patriots, and let us hurl the obelisk of Bunker Hill into the sea.

Some say he ought to have returned when the Emperor of Austria granted general amnesty, and that he ought to have helped to build up the new fortunes of his country by his personal presence and influence. Do those who say so know that his return was conditioned on repentance, and upon taking a new oath of fealty to the House of Hapsburg? He knew that it was Sadowa which gave birth to the new Hungarian constitution. What guarantees had he that another Sadowa, with victors reversed, would not

wipe it out again? He knew by bitter experience that the contract of fealty between sovereign and subject was practically unilateral. What signifies distance in this age of steam and electricity? He could aid his people better from Turin, where he was bound by no fetters, and he felt that his allegiance was due to his people, and not to its sovereign.

Those of us who have watched his course during his long exile know that his devotion to his people never flagged. To every question at home, social or political, which was of graver importance, he gave attention until the day of his death. Many were his touching appeals to his party in the late parliaments, to disregard all party interests, if by doing so they could promote the general welfare. My country above my party was not an empty phrase with him. He asked for nothing in return. The bounties which a nation's liberality from time to time offered to him, he modestly declined. He preferred to earn his own living. At the age of 90 and more, he was still a toiler, earning his daily bread. His advice was, let the nation's surplus wealth be expended in glorifying its dead martyrs, and not in support of those who could earn enough to supply their own modest wants.

Some, without knowing better, speak of the ungratefulness of the nation to him. The nation gave him all he asked. On the bloody meadow of Arad, where the thirteen revolutionary generals suffered, now stands a magnificent monument to their memory, proclaiming more forcibly than any written charter can, the subject's right of armed resistance to tyrannical measures of the king. On the main square of Buda, and close to the royal palace, stands a monument equally magnificent, erected to the memory of the warriors of the nation, who died in wresting that stronghold from the soldiers of the king. On the opposite shore of the Danube and facing the palace of Hungarian kings, stands Huszar's magnificent statue of



Petőfi, sweetest of Oriental poets, and grandest of the bards of liberty.

All these are not menaces to royal authority, but solemn witnesses in stone and bronze, proclaiming to the world that in that great struggle between the people and their king, the people and not the king were in the right. The peace between the two has long since been re-established, on the only terms on which it could be done. The monarch himself had crowned the bier of Deák, once a great rebel, and then the great pacificator, and wept while doing so, a sincere penitent. Let no one say after this the nation was ungrateful to Kossuth. In doing all this, it gave him all he asked.

Forty-six years ago this very month the new constitution of Hungary received the royal sanction, mainly through the efforts of the people's eloquent champion, and every hill and vale resounded with the joyful shout of happy men, and with praises of his name. To-day a solemn silence has fallen upon the land, and its millions are in tears. Slowly, from a far-off country, has come a solemn cortege, bearing in its midst the nation's most beloved son, an exile for nearly half a century. As the silent procession wound along, the trees, fanned by the March wind, bowed their branches in silent reverence. The delicate fibres of the orphan maid's hair, which once furnished the plumes of the Hungarian *csikós* cavalry, bent to the ground. The violets opened their large dark eyes to look upon the long-missed face, which was once so warm and eloquent, and is now so cold and still. Past the high hill where sat in splendor Hungary's ancient kings; past the statues of his old companions, Deák and Petőfi; past the historic square where Arany stands in bronze, and broods over Hungary's departed glory; past all these they bore him to the plain, which once was the great meeting place of Hungary's freemen, and there sadly consigned his dust to dust, that he at last may rest among the people whom he did love so well.



In May, 1896, Roderick returned to his native land after a continued absence of almost 45 years. It was the year of the millennium of the conquest of the country by the Hungarians, and the event was celebrated with great pomp, and a national exhibit, which as far as its historic feature, covering a period of one thousand years was concerned, was without parallel. His sojourn in his native land for several months was highly gratifying to him. Young and old and people of all stations vied with each other to do him honor. The Hungarian residents of the United States of America had caused three elaborate silver wreaths to be prepared, and sent them across the Atlantic in charge of a committee, with instructions to decorate with them the monuments or resting-places of the three most distinguished Hungarian patriots of modern times. One was to be deposited on the grave of Louis Kossuth, one in the mausoleum of Francis Deák, and one at the foot of the magnificent statue of Count Stephen Sèchenyi, which stands on the Danube in front of the palace of the Academy of Science, of which he was the founder. The committee in charge of the decoration kindly extended to Roderick the option at which of these three places he desired to deliver the dedicatory oration. He chose the last named place, where, standing between the illustrious son of an illustrious sire and his grandchild, a young lady of exquisite beauty and loveliness, he spoke as follows:—

MR. PRESIDENT AND GENTLEMEN:

I deem it eminently fit that some of the words which accompany the acts of piety which we are performing to-day, should be uttered in the language of our adopted country. I deem it no less fit that they should be uttered at the base of this statue, because the aims, aspirations and work of Stephen Széchenyi, are better understood, and are more fully appreciated by intelligent Americans, than those of his great cotemporaries, whose memory we have sought to honor to-day.

Less than a century ago on the shores of the great rivers which traverse the central part of the North American continent, and on the western shores of its great inland seas, still rang the war-whoop of the Indian, and millions of wild buffaloes roamed over the desert plain. To-day these shores are dotted by thriving cities, which number their inhabitants by the hundred thousand, and vast colleges of learning rise, and lofty cathedrals lift their spires towards heaven. Countless arteries of iron run from place to place, diffusing the products of a continent, and millions of busy hands provide for the comfort and happiness of other millions. What caused this transformation? The well directed energies of an industrious and intelligent people, guided by the genius of liberty.

Less than a century ago this glorious land of Hungary was also measurably a desert and a waste. The energy of its people was buried under the dust of centuries. They were feeding their imagination on a glorious past, but were too indolent to work for a glorious future. It required the sound of a mighty clarion to awake them, and a man of great judgment and of indomitable courage to sound this clarion, and such a man was found in Stephen Széchenyi. If Hungary is to-day what it is; if it takes its fitting rank among the foremost nations of Europe in learning, literature and art, in industry and in commerce, in its highways by land and water, it is due more to Stephen Széchenyi than to any other of its citizens. To create conditions is beyond the power of any man, but he utilized existing conditions with a clear judgment, endless labor, and an all-absorbing devotion to his people. Like a new Moses he led them into the promised land of a higher civilization.

This magnificent palace of learning before which we stand, designed to perpetuate the wealth of Hungarian literature, is mainly his work. The rapid communication carried on to-day by thousands of boats on this beautiful river, on which we gaze, is to a great extent his creation. He proclaimed the fact that powder could be used for nobler

ends than to kill our fellow men, and through the iron gate of the Danube his energy and genius planned a highway, fittingly marked by his name in conjunction with that of one of the greatest and best of Romans, the emperor Trajan. In that unfortunate struggle between the Hungarian people and its sovereign, which is ended now we trust never to rise again, he stood faithfully and courageously by his people to the last. A grateful nation has erected to his memory this magnificent statue, but he has erected for himself a monument greater by far in the hearts of his countrymen, whose love and veneration for him will endure forever.

And it is because he has done all this, that now on behalf of his compatriots, whom the fates have cast into a land far beyond the sea, and who there, animated by his illustrious example, try to do their duty to their adopted country, I place this humble token of their reverence upon this monument.

An episode connected with this visit to his native land is worthy of note. In a modest villa on the shore of the Danube, at the foot of the ruins of the ancient royal burg of Vissegrad, lived then in retirement Arthur Görgei, whilom the commander in chief of the Hungarian Army of 1848, and the dictator of Hungary after Kossuth's retirement. The voice of the masses had proclaimed him a traitor, because he had surrendered the forces under his command, to Prince Paskievits, the Russian commander, at a time when further resistance was hopeless. He was denounced as a traitor to his country, solely because the Austrian house, with the most refined cruelty, had spared his life, while his less important fellow generals were gibbeted and shot. Vissegrad is a spot of surpassing beauty and historic interest. It was the residence of Slavonian kings, ages before the invasion of the country by the Hungarians. It was here that the unfortunate king Solomon of the house of Arpad was imprisoned by his brother; where the kings of the house of Anjou, Robert Charles

and Louis the Great, maintained their royal household, and where Mathias Corvinus, the idol of the people, in the then most resplendent Court of Europe had wasted his fortune.

Roderick called upon the old general and spent a day with him. Together they ascended the high mountain crowned by the ancient ruin, the octogenarian stopping now and then to point out some striking feature in the landscape, or some spot of historic interest. From the summit the eye roamed over a seemingly endless stretch of hills and valleys, to the very foot of the Matra mountains, where the general forty-eight years ago had won his first decisive battles over the Austrians. This incident led Roderick to write the following verses, which upon their next meeting he presented to the General, who was very grateful for the compliment:—

Bei den Trümmern vom alten Könlgsschloss  
Steht der Feldherr in Träume verloren. —  
Er sieht sich wieder auf schnaubenden Ross  
An der Spitze des Heeres für Monde lang  
Bis die Freiheit des Landes zu Grabe sank;  
Die Freiheit jetzt wiedergeboren.

Und Hatvan, und Bieske, und Izsaszeg,  
Machen um ihn die blutige Runde.  
Husaren fegen die Feinde weg,  
Von den Hügeln herab tönt der Wiederhall  
Von Kanonendonner und Hörnerschall,  
Und heisser brennt ihm die Wunde.

Er sieht sich im Gelste wieder steh'n  
Vor Buda's gewappneten Thore,  
Von den Zinnen des Feindes Fahnen weh'n,  
Bei'm Morgenrauen die Honvéds zieh'n,  
Sie stürmen die Bresche, die Feinde flieh'n,  
Hoch flattert die Tricolore.

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Bei den Trümmern vom alten Könlgsschloss,  
Liegt wohl einst der Feldherr begraben,  
Hoch über ihm thürmt sich der Berg-Koloss,  
Und das Volk das ihn lange geschmäht und verkannt,  
Bringt Kränze zum felsigen Grabesrand  
Und andere Liebesgaben.

## **HIS ACTIVITY IN PUBLIC AFFAIRS.**

Roderick became a naturalized citizen in 1856, and from that time on as a matter of duty took a continued active interest in public affairs. He felt that in a nation governed by measures determined by universal suffrage, it was the duty of every citizen to familiarize himself with public questions, so as to enable him to cast his vote intelligently, and that it was also his duty to devote part of his time to affairs of the commonwealth. Since he was opposed to the extension of slavery into the territories, and was in favor of the emancipation of all slaves even in the States, and since these were the vital questions on which parties then divided he naturally allied himself with the Republican party, which was formed by a coalition of the free soil Whigs and Democrats. Party with him, however, was not an empty name to conjure with, but a political association, advocating correct public measures. Hence while he continued to be nominally a member of the Republican party, even after it became committed to a high protective tariff, and to colonial expansion, he ceased to be what is known as a regular, and became an independent Republican.

He was always a firm advocate of the one term principle, as applied to the office of President of the United States. He advocated, and secured the adoption of a declaratory resolution to that effect, in, and by the Republican State Convention of Missouri in 1864, and the delegation from that State to the Republican National Convention of that year was the only one which cast a protest vote in the convention against the renomination of the then President.

He played quite a prominent part in local and State politics after he became a citizen of Missouri, and known to its people. He was offered a Supreme Judgeship of that State, by appointment, when 33 years of age, but declined it because he knew that it was offered in expectation that he would enforce the provision of the new constitu-



tion of the State, before the question, whether it had been properly adopted was legally tested. When he was 35 years old the caucus nomination of the minority party in the State for U. S. Senator was offered to him, but he declined it, because while it was then his main ambition to become a member of the U. S. Senate, he cared nothing for the mere advertisement conferred by a minority nomination.

But while he was a Republican, he always subordinated the success of that party to the welfare of the commonwealth. His sense of justice rebelled against the proscriptive measures contained in the Constitution of Missouri of 1865, by which one-half of the voters of the State were disfranchised, simply because of their sympathy with the Southern States in their ill-advised efforts to destroy the Union. He vigorously opposed the adoption of that measure, and it was due in great part to his efforts that in the city of St. Louis, which had then a normal Republican majority of 5,000, the majority against the adoption of that constitution was over 7,000, making a difference of 12,000 in the vote. He always was of the opinion that that measure never was honestly adopted in the State, but that its adoption as declared, was due to the manipulation of certain unscrupulous canvassing officers.

He did not believe that those engaged in the attempt to destroy the Union should be rewarded, nor did he on the other hand believe that they should be punished to the extent of being excluded from all participation in the government. The correct policy in his opinion was for all parties to forget the war as soon as possible, and to devote their common energies to heal the wounds caused by the unfortunate conflict. It is for that reason, among others, that he declined to join any organization of ex-soldiers of the Union Army, which were designed to accentuate the memories of the war.

The following verses written by him for the occasion, and read as part of the memorial ceremonies, when the

National Cemetery for Union soldiers at Jefferson Barracks, near St. Louis, Missouri, was dedicated, will best illustrate his views on the subject:—

When Freedom once from East to West  
Sent forth her battle cry,  
Five hundred thousand warriors rose  
To conquer or to die.  
Five hundred thousand warriors armed,  
And marched to martial strains,  
But, Ah, full many thousand went  
Who never came again.  
On Southern plains, on Southern hills,  
Canebrake, and mountain side;  
They fought, that Freedom still might live,  
That she might live, they died.  
And when her bright day dawned again,  
Dawned after years of dread,  
A grateful nation mournful went  
To seek its hero dead;  
It sought for them in places all  
Swept by the battle tide,  
It built for them a garden home,  
And laid them side by side.

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And years of war, brought years of peace,  
Then came another day,  
When after winter's storms and frowns  
The roses blushed in May.  
And, lo! men, women, children, came,  
From places near and far,  
An army grand, yet unadorned  
With panoplies of war.  
They come adorned with flowery wreaths,  
Through the quiet shades to roam,  
Where their brave brothers sleeping lie  
In their still garden home.  
To strew their couch with fragrant leaves,  
To pray with fervent mien,  
Their fame may be forever bright,  
Their memory ever green.

---

O brothers all, and sisters all,  
Of every race and age,  
Who from all places near and far  
Join in this pilgrimage;

Who by the powers of love are led,  
 And guided all above,  
**Let us forget the days of hate**  
**On this great day of love.**  
 Let us forget the slaying hand,  
 Forgive the erring will,  
 Thanks to our fallen brothers brave  
 We are one Nation still.

When, in 1880, the ill-advised friends of U. S. Grant urged his nomination for the Presidency of the United States, for a third term, although such third term was not consecutive to his former incumbency, Roderick strongly opposed the movement and devoted considerable time to the organization of the party known as "Anti Third Term Republicans." The national convention of that party met in the city of St. Louis, on May 6th, 1880. He was one of the Committee on Resolutions. Several members of the committee were in favor of making a personal attack in the resolutions, on General Grant by name, and of airing some of the scandals connected with the second term of the ex-President. He strongly opposed any such course, and threatened to bring in a minority report, if it was persisted in. It was thereupon abandoned, but a resolution in the following words was adopted as a compromise: —

"That as Republicans we cannot be hero worshippers; and we demand from a party without a master, the nomination of a candidate without a stain."

The convention also adopted the following resolution: —

"That a national committee of 100 be appointed, and instructed, in the event of the nomination of General Grant, to meet in the city of New York, at the call of the chairman of the committee, and there to act in such manner, as they shall deem best, to carry out the spirit and purpose of these resolutions. The said committee to be selected by a committee of eleven, and published at its earliest convenience."

The committee of 100 was selected, but their names were never published. Roderick, who attended the National Republican Convention, which met in that year in Chicago, had the list of the 100 in his possession, and was prepared to publish the call immediately upon the nomination of General Grant, should such an event occur. Fortunately such an event did not occur. The convention nominated James R. Garfield of Ohio for the Presidency, and thereby relieved from a painful embarrassment, many of the national delegates sitting in the convention, whose names were in the list of the committee of 100.

Roderick held the doctrine that municipal officers should be selected, as far as practicable, independent of their views on national issues, and with an eye single to their fitness for the position. A city, after all, is a mere business organization, and should be governed strictly on business principles. He made a number of efforts to accomplish that result, but although several independent and fearless citizens joined him at times, the effort was always frustrated by what has been fittingly designated "the cohesive power of public plunder." His first success was accomplished in 1897, when, together with four other gentlemen, all Republicans, he formed a committee, to defeat certain proposed amendments to the charter of the city of St. Louis, designed to perpetuate in power the corrupt Republican ring, then in control of city affairs. The ring was defeated by a vote of four to one. Encouraged by this success he tried at the municipal election of 1898 to secure the nomination and election of an independent council ticket, by an alliance with the Democratic party. Although he was joined in that effort by many well-meaning Democrats, and among them by Mr. Jos. W. Folk, afterwards prominent as a fearless prosecuting attorney of the judicial district, and by Mr. Henry Hawes, President of the Board of Police Commissioners, he failed, since the machinists of both parties combined to defeat the movement. The following brief address which he delivered, upon the first

assembling of independent citizens, who joined him in the movement, will illustrate his views on the subject: —

GENTLEMEN :

The notices which have been sent to you have advised you of the objects of this meeting. It is to see whether by a common effort, in which parties of all political affiliations can join, the city of St. Louis can be rid of the rule of a ring, which has controlled its affairs for some time past. The initial steps looking towards that end were taken some time ago, but it was soon ascertained that there was a radical difference of opinion, between well-meaning men, having in the main the same end in view, as to the proper course to be pursued. The ring, aware that it could not possibly succeed, without the support of the so-called better element in the party, began to make overtures some time ago to the effect, that it was willing to nominate such men for the respective municipal offices, as would be named to it by the so-called better element. Some well-meaning men thought, that it was a wise policy to avail themselves of these overtures, since no ticket could be successful without the assistance of the machine. Others, and myself among the number, were and are still of the opinion, that we could not afford to take as a matter of grace, what belonged to the people as a matter of right, namely the right to be represented in its municipal affairs by men of integrity and capacity.

It is needless for me to call to your attention the grievances of which we complain. Franchises of enormous value have been voted away, without any corresponding benefit to the people. Men have been placed into offices of great trust, and profit, as a reward for questionable political services, who were morally unfit to fill such offices. Men shown to be corrupt were retained in office, although upon the functions which they exercised depended in many instances the safety of life and limb. An additional burden, amounting to twenty millions and more, was sought



to be imposed by local taxation upon the unfortunate property owners of this city, and the control of this fund placed as far as possible into the hands of the ring, so that by means of this additional patronage it might perpetuate itself in power. When the people rose, and almost with one voice repudiated this last outrage, the ring first began to pause. At the convention held last fall for the nomination of local State officers, it made the same overtures which it makes now. It graciously conceded that the so-called better element in the party should select a certain number of delegates to the convention, and graciously promised that the persons so named should be returned as delegates, reserving to itself the power of absolute control of that convention, by naming the majority of delegates, its own creatures, most of whom were dependent for their daily bread upon the persons who sent them there. You all know the history of that convention. It opened with resolutions, indorsing in the most fulsome terms an administration, the main measure of which but a few months ago had been repudiated by the voters of the city of St. Louis by the decisive vote of four to one. Representatives of the so-called better element sitting in that convention, were tendered the option of protesting against this breach of faith, and of endangering thereby the sole object for which they attended, namely, to secure the nomination of an acceptable ticket for high judicial and executive offices, or else keeping silent and thereby securing it.

Gentlemen, many of us who were always Republicans, are of opinion, that no compact looking to the lasting benefit of the people of St. Louis can be made with the ring. Many of us who have always been Republicans, are of opinion, that whatever the temporary concessions may be, which the machine may make, they are made solely with the ultimate aim and object in view, of perpetuating itself in power. Many of us who have always been Republicans, are of opinion, that whenever a party degenerates into a

mere organization for plunder, it has forfeited the right to call for our unconditional allegiance, and that the question of the welfare of the people of this great commonwealth rises above all party considerations. Being of that opinion we have called you together, to determine in what manner the object which all of us have in view, can best be secured.

The success of any ticket at the approaching election depends on two considerations: First. What men compose the ticket, and the next by whom it is put forward. If the people of the city of St. Louis have confidence both in the men selected, and in the men who thus select them, such a ticket is bound to succeed. If they lack confidence in either it is bound to fail.

Whatever action you may adopt at this meeting, let it be prompt and decisive. I trust we are all animated by one common sentiment, and there is neither time nor need for any extended discussion.

After the reduction by Spain of the insurrection in Cuba proved ineffective, although the war was waged by the mother country against its colony, for several years with the most excessive cruelty, the United States remonstrated against its further continuance. The remonstrances remaining unheeded, Congress declared war against Spain. The proclamation distinctly stated, that the war was to be waged in the interest of humanity, and for the protection of the interest of the United States and its domestic peace, but it disclaimed in emphatic terms any intention of conquest, or aggrandizement of its own territory by the intervening power. Spain was a feeble and bankrupt nation, and every reflecting man foresaw how the war would terminate. The inevitable consequences of a victorious conflict waged by the United States, were also foreseen and deplored by many. Roderick, at the outbreak of the war, writing to some friends in Europe, predicted, that at its termination, the thirst for glory, and the spirit of aggrandizement,

would override the spirit of justice in the people. Unfortunately these predictions were verified by events. For the first time since the emancipation of the American colonies, the cardinal doctrine of their own declaration of independence, "Governments are instituted among men, deriving their just powers from the consent of the governed" was repudiated, by the party in power. It was supplanted by phrases such as "the glory of the flag," "manifest destiny," "American world power," "survival of the fittest," and others equally high sounding, and equally meaningless without proper limitations, but well designed to inflame the imagination of the people, at the cost of their sense of justice, and spirit of liberty.

A cruel and relentless war was instituted against a semi-barbarous people in the far Orient, and they were slaughtered by tens of thousands, because they dared to maintain that the cardinal doctrine of the American declaration of independence was no sham. This war was instituted and carried on without the sanction of Congress, under the pretense that necessity overrode the Constitution, and that it was simply carried on for the purpose of defending our possessions after the ratification of the treaty with Spain had been secured by very questionable means in one of the houses of Congress. The doctrine was boldly announced that the war power of the executive was not limited by the Constitution. Those who had the courage to denounce these violations of the fundamental law of the land, among them some of the leaders in the Republican party, were denounced as "traitors to the flag," whatever that may mean, and a flunkey press became clamorous for their indictment for high treason.

This was not the only deleterious result of our departure from the earlier traditions of the country. England became engaged in a still more cruel and relentless war, with the two independent States, constituting the South African Republics. Under a claim of suzerainty, which had no legal foundation, it engaged in a war with

them which was avowedly a war of conquest and plunder. Although the cruelties of this war exceeded in their barbarity those waged by Spain against Cuba, although the reconcentrado camps, which had so shocked our tender sense of humanity, when they were employed by Spain, were duplicated by England in South Africa in an aggravated form, we did not dare to raise our voice in protest, for fear that by doing so we might antagonize England, the possessor of the most powerful fleet in the world, and by doing so endanger the security of our own plunder in the Philippines.

The sympathies of the American people were strongly enlisted in favor of the struggling Boers. Meetings were held throughout the country for the purpose of expressing such sympathy, and securing material aid in their behalf. At one of these meetings, held at the 14th Street Theater in St. Louis, January 29, 1900, Roderick spoke as follows:—

MR. CHAIRMAN, LADIES AND GENTLEMEN:

I take the mission of this meeting to be threefold. If our government is one by the people and for the people, as we claim it is, then it is not only our right, but our bounden duty, to advise our executive at the national capital of our judgment and sentiments, touching the deplorable war which one nation is now waging against another in distant South Africa. It is only when thus advised that our executive can act with propriety, should a fitting occasion arise, for offering our friendly mediation to both the contending powers.

If we are a sincere people, as we claim to be, then it is our duty not to mislead our English brethren across the ocean by our silence into the belief, that our sympathies are, or ever can be with them in this struggle. It is our duty to tell them, that if messages to that effect were sent to them from this country, they were inspired by only a fraction of the American people, a fraction with whom



commercial advantages outrank all other considerations, and which I trust is becoming smaller from day to day. It is our duty to inform them, that they cannot count even on our moral support, for any other purpose, than to enable them to make a fair and honorable peace.

If we are a liberty-loving people, as we claim to be, and as I trust we are, and ever will remain, then it is our duty to set ourselves right before the entire civilized world, and that without any ifs or buts, by the declaration, that our sympathies of right are, and ever must be, with a people who fight for their homes and firesides, and for maintaining the fundamental American doctrine, that **“governments are instituted among men, deriving their just powers from the consent of the governed.”** It is our duty to send our message of Godspeed to that small band of heroic men, who now dispute the advance of the invader of their rights, step by step, and who in reliance on the justice of their cause, and with a transcendent faith in a just God have proclaimed, that they may die, but will never be conquered alive.

In fulfilling this, our threefold mission here to-day, let us act calmly, and with moderation, and with that dignity which becomes the citizens of a nation which, if moderate and wise, is destined to be at no distant day, the most powerful nation upon the face of the globe.

I was gratified to see a few weeks ago a semi-official announcement in the public prints, that at some stage of the controversy between England and the South African republics, our national executive made inquiries of the English government, whether an offer of mediation on the part of this government would be acceptable. I was not at all gratified to learn from the same source that the reply received was not at all encouraging. I did not see it stated whether a similar inquiry was made of the other party, but I assume it was not, since that party is in the unfortunate position, of having no accredited representative in Washington. It is a source of regret that out of excessive



courtesy the offer was not made directly to both parties, instead of being made in the shape of an inquiry, which was addressed to one of the parties only.

A very respectable portion of the American people and of the American press had appealed to the executive at Washington to make an offer of friendly mediation to both governments. The controversy had not entered an acute stage for a long time—in fact, not until the invasion of English territory by the Transvaal forces, and such an invasion did not take place until war became unavoidable, and then only in order to secure to the Boers a more desirable line of defense.

The American executive was, and still is, in a more favorable position to make such an offer than that of any other first-class power. The history of the country abounds in precedents where such an offer was made by our executive, without any preliminary inquiry, and I know of no case where the offer led to the rupture of friendly relations. The American people have no territorial rights to guard in South Africa, **and I trust to a merciful Providence that they never will have, there or elsewhere, any such rights to guard beyond the confines of North America.** The American people are, and were, known to be friendly with both the contending parties. All the traditions of the American people were in harmony with such a course, and the only apparent obstacle was that the executive was hampered by its own course in another part of the globe, which was in seeming conflict with such traditions.

But, Mr. Chairman, it is not too late to adopt such a course now, and I hope that this meeting will before it adjourns request the national executive to offer his services to both the contending powers, to bring about by mediation a settlement of the pending controversy, and thus place upon the power refusing such friendly offer the responsibility of continuing the war with all its horrors. We shall then have done our duty in the interest of peace and humanity,

without being chargeable with selfish motives. Let the consequences in case of refusal rest where they properly belong.

I have heard it said that England cannot accept such mediation now. That if it did so, it would lose its prestige as a first-class power, since it has, after throwing into the scale all its energies, wealth and power, not been able to gain a single material advantage, over a foe infinitely inferior in numbers and wealth, whom English writers have derided as demi-savages. I have heard it said before England can listen to any overtures of peace, the prestige of her arms must be re-established by a signal victory. Has anyone ever questioned the courage and endurance of the English warrior or soldier? What nation can point to more glorious fields of victory (if carnage can ever be glorious) than Cressy, Poitiers and Agincourt, Blenheim and Hohenlinden, Talavera and Waterloo. But while England can point to all these with martial pride, let her also not forget Princeton, Yorktown and Saratoga, and let her remember, that victory is not always to the strong, but sometimes to the vigilant and the just.

How long, do I ask, Mr. Chairman, is this carnage to continue in order to vindicate something which needs no vindication? Is it to continue until every household in England mourns for a slain father, son or brother, and until every kopje in distant South Africa is turned into a vast burial ground, where friend and foe sleep together in the peaceful harmony of death? Is the contemptible bauble of military renown worth all these sacrifices?

I proceed to the consideration of what I consider the second mission of this meeting, and of similar meetings, that are held East and West throughout the vast extent of our common country. It is, to disabuse the English people in regard to our sympathies in this struggle. We all sympathize with the English people, if by that term the men are meant

who amid untold hardships are sacrificing their lives in far-off lands because

“Theirs not to question why,  
Theirs not to make reply,  
Theirs but to do and die.”

But if by the English people is meant that small coterie of desperate and greedy stock gamblers, who in opposition to the better instincts of the nation, in opposition to its humane sovereign, in opposition even to the leaders of the government itself, have brought about this war, then God forbid that we should sympathize with such a set. On what could such sympathy be founded? On the prejudice of race? The American people, it is true, drew their first contingent in larger numbers from England, but have long since become a conglomerate of races, to which all nations have contributed, and many of them in far larger numbers than England. The American people have no prejudice of race. They recognize but one race, the human race. They extend their sympathies to any portion of that race, in its struggle with another portion, according to the right and wrong of the controversy, and guided by no other considerations.

There is indeed a fraction of the American people, and I concede a considerable fraction, whose sympathies are with England in this war. We have close and extensive commercial relations with Great Britain, and our commercial relations with the Boers are next to nominal. English reverses are apt to affect our commercial securities. Many of our citizens are not familiar with the merits of the controversy, and as they know by personal intercourse one of the parties only, are apt to conclude that that party is in the right. Others erroneously confound our course in the Philippines, which is partly at least the result of an unfortunate incident of our war with Spain, with England's course in South Africa, and because they are in favor of

our retention of the Philippines, deem it proper to approve of an English conquest of the South African Republics.

But, Mr. Chairman, I deny that the majority of typical Americans, or any number near it, do, or can approve the course which England has pursued in its endeavor to make the South African Republics part of its colonial empire. The typical American is not an animated money bag; but is bone, sinew and principle. Americans would have to deny the legitimacy of their own existence as a nation, were they to deny the right of the Boers to maintain their independence by force of arms. We would have to repudiate the noblest and truest sentiments of the Declaration of Independence, that Magna Charta of our own liberties, were we to do so. We would have to take our ideals from their high pedestals, and fling them into the dust, to be trampled upon, were we to do so. We would have to be willing to trade the liberties of a nation for commercial advantages, were we to do so. My idea of the typical American is far too high, to enable me to conceive even the possibility, that he could ever sink so low.

This brings me to the last inquiry. Is this meeting justified to extend its sympathies to the Boers, or should we as citizens remain strictly neutral in this quarrel. This is not a question of sentiment only. Before we pass upon it, we must decide for ourselves the right or wrong of this controversy, because it behooves us above all things to be just.

That every community has the right to regulate its own domestic affairs we all concede. Our Constitution concedes it to every State, although no one ever claimed that one of our States possesses sovereign powers. Internal regulations of communities may not in all cases meet with our approval, but that does not change their right and power to make them. Some of the internal regulations of the Transvaal were not in accord with modern exigencies, and principally the laws affecting naturalization of foreign born residents, who were excluded in the main from all



participation in the affairs of the government. I concede that these regulations were obsolete, being made under circumstances which have since radically changed, and that there was good ground on the part of England to remonstrate with the Transvaal government, and to ask in a friendly spirit, that the rigor of laws which injuriously affected a numerous class of English residents should be changed. So far so good. The English government made such remonstrance, and the Transvaal government expressed its readiness to make very liberal concessions in that behalf. Seeing that the Transvaal government was in a yielding mood, the English government pressed one step further, and insisted that certain claims of English suzerainty be also conceded, although the Transvaal government with apparent good reason claimed, that such claims had been waived, if not abrogated by treaties many years ago. The English government insisted on this recognition as a condition *sine qua non*, and as the Boers could not yield that point without virtually surrendering their independence, the war ensued.

It is the old, old story of the fable of the wolf and lamb, who have repaired to the brook to quench their thirst, except that in the present case the lamb declined to be devoured, and has developed fighting qualities which the wolf did not expect.

It was evident ever since the Jameson raid several years ago, that it was the aim and object of certain desperate political gamblers in Great Britain to bring about this very result, and that it was their aim, to satisfy their individual greed by bringing about the absorption of the South African Republics into Great Britain's colonial empire. That it was their aim to force the Transvaal government into yielding point by point, to a point of extreme tension, and to force a war upon it when that last point was reached. Every careful observer was aware of this, and so was the Transvaal government, and it prepared for the unavoidable struggle.



These charges are not made by me, they are made by a number of eminent and fearless men in England, who like Mr. Morley have occupied the highest positions in public life, who enjoy the confidence of the English people, and who do not hesitate, even at the risk of their darling popularity, to denounce this impious war, as brought about by a set of political adventurers for their own benefit. They are made by men who, while sincere patriots, can rise to the moral elevation of saying: **"I am for my country when right, but not for my country right or wrong,"** and who have the transcendent courage to say so, even in the hour of England's humiliation.

This is not a new question as far as this country, its people, and its government are concerned. When, forty years ago, the people of my own native land were driven to arms to defend their chartered rights and liberties against the invasions of the Imperial government of Austria, this people openly expressed their sympathies with the Hungarian cause, and this government sent its accredited agent, A. Dudley Mann, to Hungary, to inform itself of the right or wrong of the struggle, for the purpose of enabling it to recognize the rights of Hungary as an independent State, should circumstances warrant such recognition. When the minister of Austria in Washington remonstrated, and had the temerity to call the people of America, and this government, to account, what was our reply? Our Secretary of State replied among other things that we had the right to recognize as independent any State we saw fit so to recognize, and had frequently done so, without even giving thereby cause for a breach of friendly relations. But he went further and boldly announced:—

“The United States have abstained at all times from acts of interference with the political changes of Europe. They cannot, however, fail to cherish always a lively interest in the fortunes of a nation struggling for institutions like their own, \* \* \* When the people of the United

States behold the people of foreign countries, without that interference, spontaneously moving toward the adoption of institutions like their own, it surely cannot be expected of them to remain wholly indifferent spectators."

And in his final note, the same Secretary said: "The undersigned took occasion in a former note, to declare the principles and policy which the United States maintained as appropriate to their condition, and as being indeed fixed and fastened upon them, by their character, their history, and their position among the nations of the world, and it may be regarded as certain that these principles and this policy will not be abandoned or departed from, until some extraordinary change shall take place in the general current of human affairs."

These were the sentiments and these are the words of our then Secretary of State, the words of the greatest American of his time and generation, the words of Daniel Webster. They expressed at that time the sentiment of the entire American people, and I trust they express that sentiment to-day.

There has been since then no extraordinary change in the general current of human affairs, such as would make these sentiments inapplicable to the present generation. While the Boers confine themselves to the defense of their homes and institutions, and do not themselves wage wars of conquest, except as a means of defense, their cause is just, and deserves the sympathy of all right-thinking men. Their heroism in the defense of that cause has challenged the admiration of the civilized world. And because their cause is just, and they are fighting for their liberties, they are entitled to the sympathies of a just people, who claim, as we do, to hold on high the beacon light of liberty. It is for these reasons and no other that I claim the right to say to them, in the name of all who are assembled here to-day: **Go on, brave Boers. God speed your work.**

**Our sympathies are with you in your heroic struggle, and will remain with you until you have conquered your permanent independence, and an honorable peace, or honorable graves.**

In 1900, Wm. McKinley, who had occupied the Presidential chair for the preceding three years, was renominated with great unanimity, for the Presidency, by the National Republican Convention. By that time several of the founders of the Republican party, and some of its most conscientious leaders, such as Schurz and Boutwell, had left it. Hoar, the venerable Senator from Massachusetts, was still hanging to it by a feeble thread. A number of prominent Republicans in all parts of the Union, declared open war on its nominee. The party had become the representative of commercialism, and the admitted representative of the money element, from which it derived its main support, in unlimited means. Corruption in national and municipal affairs had assumed gigantic proportions.

Had the Democrats been wise, and nominated in opposition a conservative statesman, they would probably have succeeded in the canvass. Contrary to all precedent, they renominated Wm. J. Bryan, who was their nominee four years before, and who was then badly defeated. Mr. Bryan was a man of brilliant parts, and indefatigable energy, but his views on the question of the national currency, and the powers of the judiciary, were such, as to thoroughly antagonize the conservative element, which generally exercises a controlling influence in national elections.

Roderick while thoroughly opposed to Mr. Bryan's views, on the questions above stated, concluded to support him for the Presidency as the lesser of two evils. On October 18, 1900, he addressed an open letter to the *St. Louis Republic*, the leading Democratic journal in the city of St. Louis, in which he gave his reasons for so doing. The editorial of that journal, in calling attention to the letter, contained among others these statements: —

The *Republic* invites attention to the powerful article by Judge Rombauer this morning. It is unnecessary to introduce Judge Rombauer to Missouri voters. He has been one of the leaders of his party, and is quite as well known as a leader of his profession. Love of freedom is stronger in him, than love of party. Dislike of hypocrisy is stronger, than the habit of disagreeing with political opponents. Nothing has appeared in this campaign more logical and convincing in itself. Very few statements had behind them the impetus of such moral force.

The letter was as follows: —

EDITORS ST. LOUIS REPUBLIC:

A few weeks ago, in a special dispatch to the *Republic* from Washington, my name was mentioned among the names of several hundred Republicans, more or less prominent, who at the approaching election intended to cast their votes for William J. Bryan. Ever since, I have been harassed by personal and political friends, to give them an explanation of the reasons for this supposed change in my political faith. I have been stopped on the street by strangers, I have been beleaguered at my office by reporters and others, until the constant interruption began to seriously interfere with my professional duties. I avail myself of your kind offer to use the columns of the *Republic* for making a public statement on the subject in reply to all these inquiries.

I shall cast my ballot for William J. Bryan at the approaching election, because I am a Republican, and because in my opinion he is a far better exponent than William McKinley of every cardinal principle which has called the Republican party into being, and which has secured to it the almost uninterrupted confidence of the American people for a period of nearly forty years.

I have decided to do so upon mature deliberation. I have been a Republican since I have been a voter. I



founded the first Republican club in Quincy, Ill., forty years ago, and have never since voted for the national ticket of any other party. My most intimate personal relations are almost exclusively with Republicans, and my clientage consists mainly of Republicans. I have been often honored by the Republican party with a selection for what I consider the highest offices within the gift of the people, and have filled many such offices. This of itself should satisfy my friends, that my present course is not dictated by any personal interest, but is adopted because I place the interests of the American people above my own, and because I cannot better repay the many honors which it has conferred upon me, than by using my feeble efforts to save its honor from being tarnished, and its true interests from being sacrificed.

#### THE PARAMOUNT ISSUE.

I consider the paramount issue in this campaign to be this: Shall we adhere to the principles announced in our Declaration of Independence that, in order to secure life, liberty and the pursuit of happiness, governments are established among men, deriving their just powers from the consent of the governed, or shall we, abandoning that ground, start out on a career of plundering weaker people, under the modern device of survival of the fittest? Whether the new doctrine is called imperialism, or is called colonial policy, or is designated by the more alluring term of expansion of our territory and commercial relations, is immaterial to me. The manner in which the doctrine has been initiated, and is pushed to its unavoidable consequences, involves a radical departure from the doctrines proclaimed by the Declaration of Independence, an adherence to which has made this people happy at home, and honored abroad. A sophistic effort is being made to demonstrate, that the doctrine of expansion is nothing new; that it was initiated under the administration of the author of the Declaration of Independence, who must have known best what that



declaration meant. Let me examine this argument before pronouncing judgment: —

The object of the Louisiana Purchase was to secure to the great bulk of the territory of this nation an outlet to the ocean by waterways, the only important means of communication then known, and to protect our Western borders from the invasion of foreign powers. It was eminently a measure of self-defense. It was, as the sequel demonstrated, eminently wise. The principles announced in the Declaration of Independence were emphasized in the treaty by which we acquired that territory.

Article 3 of that treaty provides: "The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages and immunities of citizens of the United States; and, in the meantime, they shall be maintained and protected in the enjoyment of their liberty, property, and the religion which they profess."

Every one of the treaties by which we acquired contiguous territory since, contains provisions similar in character, if not identical. See articles 5 and 6 of the treaty of 1819 with Spain; articles 8 and 9 of the treaty with Mexico, and article 3 of the treaty with Russia.

The recent treaty with Spain is the first which in that respect contains a radical departure.

Article 9 of that treaty provides: "Spanish subjects, natives of the Peninsula, residing in the territory over which Spain, by the present treaty, relinquishes or cedes her sovereignty, may remain in such territory, or may remove therefrom, retaining in either event all their rights of property, including the right to sell or dispose of such property or of its proceeds, and they shall also have the right to carry on their industry, commerce and profession, being subject in respect thereof to such laws as are applicable to other foreigners. In case they remain in the ter-

ritory they may preserve their allegiance to the crown of Spain, by making before a court of record, within one year from the date of the exchange of ratifications of this treaty, a declaration of their decision to preserve such allegiance, in default of which declaration, they shall be held to have renounced it, and to have adopted the nationality of the territory in which they may reside.

“The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress.”

Look at the contrast between this and former treaties. Former treaties guard the rights of the inhabitants of the ceded territory, and guarantee to them the enjoyment of all the rights, advantages and immunities of citizens of the United States. The last treaty guarantees to the inhabitants of the ceded territory nothing, unless they are natives of the Peninsula, by which the Peninsula of Spain is meant. The balance of the inhabitants are traded off as so many cattle. Even as to the former, the only provision is that we will not take away their property, and that their civil and political rights shall be determined by the Congress. What is meant by the nationality of the territory it is difficult to say, since it is expressly denied by the organs of the present administration, that these territories have any nationality, and it is boldly asserted that their inhabitants are subjects of the United States.

It must be borne in mind that these unfortunate inhabitants include not only the Tagals and other Eastern races, but also all whites who did not have the good fortune of being natives of the Peninsula of Spain. Not a word in this treaty of their being incorporated into the union of the United States. The word “subject” is not used, because the American palate was presumably deemed too sensitive to swallow it, but the circumlocution, of the term by phrases left purposely vague, can deceive no one.

Governor Roosevelt, who is an honest man, although in bad company on the expansion issue, in a recent

speech delivered by him at Evansville, Ind., while speaking on the subject, is reported to have said: "Evidently Thomas Jefferson thought that we could buy the right to govern the Indians of the Louisiana Purchase, and Andrew Jackson thought we could similarly acquire the right to govern the Indians of Florida." Governor Roosevelt, while evidently sincere, has endeavored to force diverging lines into a parallel. First, the Indian is a condition *sui generis*, and is recognized as such in the Constitution of the United States. Although a savage, he had a government of his own, with which the United States entered into solemn treaties. His title to the territory was not extinguished by the treaties made with France or Spain, but remained, and was subsequently acquired by the United States by treaties with himself. He carried on war and made peace with Indians of rival tribes, without any interference with the Government of the United States, and even when making war against the United States was treated as a warring nation and not as a rebel. The Indians thus constituted a government within a government. If the Filipino or Porto Rican is not a citizen, is he to be treated as the Indian? Is he to be permitted to retain his tribal organization? Is he to be an Indian "not taxed" and not to be taxed? And what is to become of him in those portions of the territory not under tribal organization? Is he to be subjected to taxation in support of a government in which he has no voice, to the jurisdiction of tribunals, and to a system of laws, foreign to his nature? That parallel will not answer, and Governor Roosevelt would better try again. It remains patent and admits of no contradiction that the recent treaty with Spain is the first assertion by this Government, that governments do not derive their just powers from the consent of the governed, and hence is a distinct repudiation of the fundamental doctrine of the declaration of our own independence.

## TRUSTS

The word trust in its legal sense is the most sacred of legal terms. It is the creature of the refined conscience of judges. It means that where the remedies of the common law proved inadequate there should be a remedy for the oppressed to protect them against fraud and the abuse of confidential relations, and that this remedy shall be afforded by a tribunal representing the highest conscience in the law, and one which in its mode of affording relief shall be practically unlimited. This term has in recent years been prostituted in the most shameless manner, by calling illegal combinations, created for the purpose of forestalling the market and stifling competition, by the name of trusts. I do not in this connection refer to trust companies proper, who in their corporate capacity exercise similar functions as trustees in equity, because their functions have proved highly beneficial, but to the other so-called trusts, which by means of the aggregation of an immense capital have made themselves masters in controlling the market, from a steel rail to a peanut. It is true that these trusts are measurably the growth of an unjustly discriminating tariff, but they are still more so of the fostering patronage of the national executive, which, instead of checking this fungus growth of our industries, has aided it as far as it lay in its power. While both Congress and the State legislatures have made attempts to check this evil by legislation, and while the highest tribunal of the land, whenever the question came before it, has enforced such legislation in the most thorough manner, the national executive has done just the reverse. It seems that it was willing that these so-called trusts should plunder the people, if in return they would permit themselves to be plundered, to keep the administration in power. The highest law officers of the Government are selected from those known to be friendly to these corporations, and the principal mouthpiece of the administration, proclaims in his campaign speeches that such combinations do not exist.



I realize that many enterprises cannot be successfully prosecuted without the aggregation of capital, but I realize no less that the aggregation of capital for the purpose of controlling the market in any commodity, raising or lowering prices at the whim, or in the interest of the producer, is detrimental to the industries of the country, and makes a dependent tool and slave, both of the small producer and laborer, and will, if not checked, in course of time destroy the manhood of the people.

"Ill fares the land to hastening ills a prey,  
Where wealth accumulates and men decay."

I do regard the war made on these so-called trusts a just war in the best interests of the people. If there is to be any remedy of this evil, it certainly cannot be expected to result from the re-election of Mr. McKinley, who is notoriously friendly to these combinations, and for whose election they furnish in the main the sinews of war. Mr. McKinley has a decided inclination to show himself grateful to contributors, and has proved this on former occasions.

#### CIVIL SERVICE REFORM.

The main champion of the reform of the civil service was Mr. Pendleton, of Ohio, a Democrat. The Republicans at an early day recognized it as a good thing, and made it one of their main planks in the national platform. They have retained it as such ever since. I was always an earnest civil service reformer, was one of the first officers of the State organization in Missouri, and in a limited way tried to give practical effect to my views, by appointing those whom I could appoint by virtue of my official stations, on the basis of merit alone, and regardless of party affiliations. I considered and still consider that parties are established for the advocacy and practical realization of measures beneficial to the people, and are something more than organizations for the purpose of securing public plunder. I also fully realize that



the reform of the civil service is as important, if not more so, in the administration of our municipal affairs, than it is in the administration of our national affairs, and have always been an earnest advocate of such municipal reform.

Shortly after the accession of Mr. McKinley to the presidency, an effort was made in the largest city of the Union to bring about a thorough reform of the civil service. Men of the highest standing and character in both of the leading parties took an active part in it. The head of the ticket was a Republican, the president of one of the leading American colleges, and a gentleman of extraordinary probity, intelligence and force of character. Mr. McKinley threw the weight of the national administration against him. A respectable gentleman, and ex-member of the Cabinet, was put up against him as the administration candidate, even though there was not the faintest probability of his election. The reformers, mainly Republicans, were defeated, and the only satisfaction they had was, that the candidate of the administration was the last in the race.

This disgraceful exhibition of a President, standing on a platform, one of the main planks of which advocated civil service reform, was followed by an exhibition on his part far more disgraceful. In order to carry the election in Ohio two years ago, it was deemed expedient to create a number of vacancies in public offices. The pie counter had to be enlarged. With one stroke of the pen, the President struck thousands from the list of the classified service, in order that their places might be filled with supporters to be rewarded.

I say it without fear of contradiction, that since the origin of the civil service reform agitation, and of the going into effect of the civil service reform law, there never has been a more bare-faced and shameless repudiator of civil service reform than the present chief executive. If anything could aggravate the offense committed by him two years ago, and immediately

preceding the Ohio election, it is his hypocritical reference to the matter in his letter of acceptance, where he speaks of this act as being done in the best interest of the civil service.

While this issue is not paramount, it is of sufficient importance to make me cast my vote against Mr. McKinley. If any honest civil service reformer can reconcile it with his conscience to cast his vote for him, he is welcome to do so.

Having thus stated three reasons, each of which would be sufficient to lead me to cast my vote against Mr. McKinley, let me briefly refer to the reasons which my friends urge should induce me to cast my vote for him, and compare briefly their respective importance.

#### THE MONEY ISSUE.

It is well known that I am and always was, what is known as a sound money man. I believe in the gold standard, and believed in it long before Mr. McKinley did. Were that the only, or even the main, issue before the country, I would cast my vote against Mr. Bryan, with whose honest vagaries on that subject I have no sympathy. I believe that on that question the overwhelming sentiment of the country is opposed to Mr. Bryan. It was four years ago, and conditions have not changed since then. While Mr. Bryan, if elected, may find himself called upon to reopen the agitation on that subject, such agitation must necessarily be brief. He will soon find out that he can accomplish nothing, that the great bulk of the Eastern Democrats are against him, and since he is a man of innate common sense, will drop the agitation. Even if the next Congress, as many claim, should contain a Democratic majority, no one is insane enough to believe that it will contain a majority in sympathy with Mr. Bryan's views on the money question. That the agitation may have its temporary bad effect, I freely concede. That it can have even approximately as bad an effect as the utter departure

from the traditions of the Government, as the repudiation of every sentiment on the strength of which we invoked and acquired the respect and admiration of mankind, I deny. I thank my Creator that I am capable of conceiving that there is something which is entitled to more consideration than money.

The discussion between Mr. Schurz and Secretary Gage on this subject, which I have read and followed with great interest, has satisfied me that the danger arising from Mr. Bryan's election, as far as it concerns the stability of our currency, is, if not nominal, still hardly entitled to serious consideration.

#### THE FULL DINNER PAIL.

The country is unquestionably prosperous in one sense. Its aggregate wealth has greatly increased during the last four years. That increase has been in excess of the increase of the population, and hence has brought about a corresponding increase of the wealth per capita. On the other hand, the equal distribution of wealth is far worse than it was four years ago. Capital has concentrated in enormous quantities in the hands of single individuals, and corporations, to an extent to create a menace to free institutions, and, as a result, many individuals have become comparatively poor. Many of the rich have become richer, and of the poor poorer. This is not healthy prosperity. While the dinner pail is overflowing in certain quarters, it holds but a pittance of food in others. The statistics published in connection with the recent strike in the anthracite coal regions of Pennsylvania, the accuracy of which has not been denied, tend to show that while we have more multi-millionaires than any other country, our helots are rapidly increasing, and their wretchedness is almost equal to those of other countries, excepting, always, India, where owing to the benign colonial policy of Great Britain, millions starve to death. As far as prosperity is the result of good crops, and foreign wars enabling us to dispose of our pro-

duce at a profit, the administration cannot take any more credit for it than it can be charged with the calamity of the Galveston disaster. It has not yet acquired a fee simple to the sunshine and the storm.

#### OUR FOREIGN POLICY.

The situation of our foreign relations, which confronted the administration during the last few years, was a difficult one. Another President might not have done much better than Mr. McKinley did, but no President could possibly have done any worse. The cruel oppression of the Cubans by Spain aroused the indignation of every American, and the administration was forced into the war by popular sentiment. The war may not have been justified by the loose code of ethics termed international law; our interference may have been, in a certain sense, quixotic, but it was a war in recognition of the brotherhood of man, a war in support of the noble sentiments of the Declaration of Independence, and, even if a folly, it was a folly noble and sublime. When we drew the sword, we proclaimed to the world that it was done, not for our own aggrandizement, but for permitting a people cruelly oppressed to govern itself, and work out its own salvation. Not three years have elapsed since then, and we find ourselves using the very methods of oppressing a people in the Philippines, which the Spaniards used in Cuba. The administration has placed the American people before the world in the position of a self-convicted liar. If we do not mend our ways, we will shortly have to wage a war against the Cubans and Porto Ricans, as we wage a war against the Filipinos. A war alike unwarranted by the principles of humanity, or by the Constitution of the United States, which provides that Congress alone shall have power to declare war.

I have heard many eminent jurists, prominent members of the Republican party, declare that the war which we are waging in the far East, is in derogation of the Constitution. In this view I fully concur. One of the most eminent



jurists in the land, and a former Republican President, declared but a few days ago, that the tariff we imposed on Porto Rico is in derogation of the Constitution. Has the Constitution become a past issue as well as the Declaration of Independence? It seems so, when servile organs of the administration dare to denounce those as guilty of high treason who dare to defend it. As a political measure, our war in the Philippines is a crime, as a commercial and financial venture it is a blunder. The cost to date would have duplicated manifold the cost of our Asiatic squadron, even had it been entirely destroyed by our own act. Its cost past and to come, cannot be repaid within this century by the advantages to our commerce and increase of our revenue. Shall the American people be taxed to death to open new fields of speculation to its favored few? And what about the thousands of its heroic sons who are killed far from their home, by pestilence and war, in order to perpetuate the infamy of the nation as oppressors of the weak?

In former days, when any people engaged in a struggle of maintaining the right to govern itself, the American people was the first to extend to it its sympathy. It was so with Greece and was so with Hungary. It was first given to the present administration to stifle resolutions of sympathy with a people waging a war to maintain its independence with a heroism unparalleled in history. When such resolutions were introduced, too cowardly to vote them down, and too cowardly to adopt them, the administration saw to it, that they were consigned to the living tomb of a committee.

A dispute with Great Britain arose, touching our Alaska boundary. The administration sent one of its ablest professional men, its next but chief of the Coast Survey, upon the ground, to determine the question of boundary, and he spent many months in so doing. His decision was presumably in favor of our claim, because it was thereafter officially announced that our claim was right, and yet we



yielded the disputed territory into the possession of Great Britain, temporarily, as a *modus vivendi*, as the administration said, to avert a war. Have we sunk so low that we can wage an unjust war only, and that we can afford to wage none in the defense of our just rights? If our claim to the disputed territory in Alaska is unwarranted, why not withdraw it? If it is just, why not maintain it? Is the administration too cowardly to do either? Was the *modus vivendi* adopted until the ship of the administration got over the election breakers, and is it then to be abandoned, to culminate in a servile truckling to Great Britain, in harmony with the action of the administration in the Boer matter?

#### THE FLAG.

One of the main arguments in the present canvass is "The American flag, Old Glory, shall, when once hoisted, never be lowered." The sentence is one particularly captivating. It addresses itself to the imagination of the voter, and at the same time is conveniently meaningless. The flag is an emblem for what it stands. When it is the emblem of liberty, justice and equal rights before the law, it should when once hoisted never be lowered. When it stands for injustice, oppression and cruelty, the sooner it is lowered the better. It takes but a brute in the latter instance to hoist it, but it takes a moral hero to lower it. The tri-color of France was a noble emblem when it stood for liberty, fraternity and equality, the right of the people to govern their own affairs, and to protect their territory from foreign invasion, but when it became overtopped by the eagle, and was carried by force into the midst of neighboring nations, in an attempt to benevolently assimilate them to the interests of the Corsican conqueror, its true glory faded, although it was carried by a no less victorious host. The American flag was a noble emblem on sea and on land, when it was flung to the breeze at Bunker Hill, Yorktown, Saratoga, in the harbor of Manila, on San

Juan Hill, and at Santiago, at Tunis, Smyrna, and Apia, because in each instance it was hoisted in defiance of the oppressor, and in support of the most sacred rights of men. Is it the same when hoisted in the midst of hostile Filipinos, dead and dying in defense of the principle, "that governments are established among men deriving their just powers from the consent of the governed?"

I have heard many men say in vindication of our present course of rapine and plunder, that they believe in the manifest destiny of the American people. It is a well-sounding and convenient phrase, but in the present instance ill applied. I, too, believe in the manifest destiny of the American people. The North American continent is more fertile and varied in its product than that controlled by any other people on the face of the globe. It has room for many times its present inhabitants. Its people, owing to the happy mixture of races, are hardy and resourceful. They are not hampered by ancient traditions or hereditary vices. They are just and generous. I take it that, owing to these fortunate conditions, our manifest destiny is to go on developing these magnificent resources of population, soil and climate, to successfully compete in our industries, owing to our superior intelligence and skill, in the marts of all nations, with all nations; to solve successfully the different problems of a just relation between capital and labor, and to go on increasing in numbers and prosperity, until we are the most happy and powerful people on the face of the earth, and a great moral force which, without violent means, will bring about universal peace and the universal brotherhood of man.

R. E. ROMBAUER.

The publication of the letter created a great sensation. More than two hundred thousand copies were printed for distribution, and even that supply proved inadequate to meet the demand. It was reprinted in leading journals both East and West. The writer received a number of

pressing invitations to address public meetings, all of which he was forced to decline, on account of professional engagements. What was particularly pleasing to him, was its reception by the younger generation, in whose hands after all rest the destinies of the country.

One young man wrote to him:—

In the interest of the highest aspirations of man, permit me to thank you for your expressions, which I have just read in the *Republic*. They have stirred me, as I imagine the hearers of Henry must have been stirred, when he called them from slavery to freedom.

Another wrote:—

In this morning's *Republic* I read your masterful argument in defense of the Declaration of Independence, the U. S. Constitution, and true manhood. It is the most convincing of any I have ever read, or heard, and I thank God that we have such men.

Another wrote:—

May God and Humanity ever bless you for your brave and true and noble utterance in the letter which appears in this morning's *Republic*.

God still employs man as His agent, to voice His sense of Right and Justice.

The letter was also read and favorably commented on in Roderick's native land. One of the leading jurists of Hungary thus wrote concerning it to a mutual friend:—

"I am obliged to you for the article written by my colleague, R. E. Rombauer, which I read with a great deal of pleasure. The forcible self-assertion, thought and expression, so to speak, the idealism of realism, which character-

izes every line; the moral courage with which the candidate for the highest executive office is called to account, and the thorough and clear conception of the subject discussed, make me realize with sorrow that Hungary has no such judge."

While the publication of the letter appeared too late in the canvass, to have any marked influence on the general vote, it unquestionably had some influence on the local vote in the city of St. Louis, where Roderick was best known. That city, which in the preceding canvass gave McKinley a majority of 15,607 votes over Bryan, his Democratic opponent, reduced that majority in 1900 to 666, or nearly 15,000 — and elected the entire local Democratic ticket by slight majorities.

In April, 1901, a mayor of the city of St. Louis, all of its executive officers, one-half of the members of the city council, and all the members of the House of Delegates, were to be elected. At the preceding biennial city election, a sufficient number of respectable Republican councilmen had been elected, to insure an honest and capable majority in that council, provided the six councilmen who were to be elected could be relied upon. The majority of the House of Delegates consisted of unscrupulous plunderers, and the reform of that body, simultaneously with the reform of the council, seemed to be too Herculean a task to be undertaken by anyone.

A number of independent citizens, having the welfare of the city at heart, met at Roderick's office to determine what was the best that could be done under the circumstances. The Republicans, notwithstanding their local defeat the preceding November, still claimed to be able to carry the city by an effort, and declined to affiliate with the Independents. Independent campaigns were not only very expensive, but of very doubtful result. The Democrats were wise enough to court the Independent vote, and

after some negotiation entered into an alliance with it, upon substantially the following terms:—

The Independents were to prepare the platform to be adopted by the Democratic City Convention. The names of candidates to be voted for in the convention were to be submitted to the Independents, and approved by them. The non-partisan character of the Board of Education was to be preserved, by nominating for the four vacancies two Republicans and two Democrats. The nominee for Mayor was to be determined by the Independents, by selection from a list submitted by the Democrats. An unexceptional platform was then adopted, and an unexceptional city ticket, consisting however entirely of Democrats, was nominated, and was elected by an overwhelming majority. As the sequel demonstrated, the Mayor, City Council, and the majority of the city officers thus elected, were the most efficient the city of St. Louis ever had. In the course of this campaign Roderick was requested to address the Independent voters, from his standpoint, and at a meeting held at the Odeon in March, 1901, spoke as follows:—

MR. CHAIRMAN, LADIES AND GENTLEMEN:

I have been requested to address this meeting from the standpoint of an independent voter. While I do so I beg your patience and close attention, because my voice is none of the best, and I will be brief. If anything in what I say should displease you, remember that I do not speak to you as a Democrat, nor as a Republican, but as a St. Louisan, who has lived among you for more than forty years, and who during that entire time tried to perform his duty to this commonwealth fearlessly, and to whom in a municipal election the welfare of the city is paramount to all other considerations.

I have always believed that municipal elections should not be conducted on national party lines. The issues are wholly different. The welfare of the municipality depends



solely upon this, that its affairs should be in the hands of fearless, competent and clean men, who hold correct views as to what is, and what is not for the best interests of the city. To me it is immaterial what views these men may hold on national issues. If party lines are recognized at all, they should be lines of division on municipal questions, which in their very nature have nothing to do with national issues. Municipal parties should not be mere organizations for securing public plunder.

Entertaining these views, I shall cast my vote in the approaching municipal election for Rolla Wells for Mayor. While I believe that the probabilities of his election are great, I would do so even if the probabilities of his election were indifferent, because the proverbial band wagon was not built for me.

Let me briefly state the reasons which actuate me in so doing. During the last four years St. Louis had the worst government of any city in America. Many of its streets are ruinous. Its sewers are inadequate. Its public hospitals are tinder shells. Its treasury is bankrupt. All these matters must be remedied as speedily as possible, if we are not to stand disgraced before the civilized world whom we have invited as guests to participate in our Louisiana Purchase Exposition. No thorough reform in that direction can be expected, if the chief officer of the city should hold his office by the grace of the very men who in a great measure brought about this deplorable condition, however worthy he may be in other respects.

Hercules himself would never have cleaned out the Augean stables, if in doing so he would have been compelled to kill the horses, which were to draw his chariot to victory.

Republican speakers declaim against the iniquities of the Nesbit election law, and of the police law, but have no words of condemnation for the men whose acts in part brought about these iniquities. No man can have a higher regard for the purity of the ballot box than I have. It is the only weapon which a freeman should use to protect himself

against the oppression of his fellow citizens. But I have little patience with those who decry the violation of its purity by others, yet do not hesitate to violate it themselves on every opportune occasion. Four years ago a number of us put forward as a candidate for Mayor of this city a man, who by practical experience with its affairs, by high moral character, and by unquestioned intelligence was eminently fitted for the position. Many of us stood at the primaries for hours to be enabled to cast our votes for delegations supporting him, and were outvoted by Indians who, like the Dakotas of the plains, disappeared when their work was done, and were heard of and seen no more. Men guilty of these acts are now shouting for the purity of the ballot box. A little more than two years ago certain charter amendments were to be voted for, placing the control of many millions into the hands of the looters of the city treasury. Gangs of Indians were carried from poll to poll to aid in carrying the measure. They were deterred from repeated voting, only, because we had men with Kodaks taking their likenesses while they stood in line. Men guilty of these acts are now applauding appeals for the purity of the ballot box. Less than two years ago the leading Democratic organ of this city, and many citizens of both parties came out in favor of an independent Council ticket. Many brave men stood up in the Democratic convention, and argued in favor of such a ticket, at the risk of their popularity, but the scheme was defeated by the very men who now pose as reformers. Every movement but one in favor of a non-partisan ticket was bitterly opposed by the Republican leaders. That one was securing a non-partisan school board. The merit of that even is not due to the supporters of Mr. Parker, but to one of his most earnest opponents. It is due to Mr. Chauncey I. Filley, then controlling the local Republican machine, who insisted, that the new board should be non-partisan, and at whose house the men composing the first board were selected, regardless of their

party affiliations, many of whom have filled their positions to the present day with distinguished zeal and ability.

It behooves us above all things to be just. I believe that leading Democrats of this city are entitled to the credit for the result, that for the first time for many years there are unexceptional opposing municipal tickets in the field. When a few months ago it became apparent that something must be done to redeem the city from the control of the gang which disgraced it for the last four years, the leading Democratic organ of the city proclaimed in emphatic terms that it would not support any one for a city office, even if put forward by the Democratic convention, unless he was thoroughly competent and clean. The leading Republican organ remained silent on the subject. It was then contemplated to put into the field an Independent ticket, regardless of the party standing of the nominees on national issues. I was in favor of such a movement as the only right one. It was abandoned only in view of its utter hopelessness of success, and upon the assurance of gentlemen of influence in the Democratic ranks, that that party would nominate none but men of high integrity who should be pledged to nothing but a clean city government, and that its selections for members of the school board should be wholly non-partisan. The Democratic party has kept that pledge. I do not wish to detract from the merits of those who a few weeks ago met at the St. Nicholas Hotel and to whose exertions it is due that a good Republican ticket was put into the field. Many of these gentlemen are my personal friends, and we have stood shoulder to shoulder in former years in attempting to purify city politics. They unquestionably deserve credit, but they do not deserve the credit of pioneers. It is one thing to cut a path through the jungle, and another to travel over it after it is made. If all other conditions were equal, and the two tickets were of equal merit, the Democratic nominees could rightfully claim

the suffrages of the independent voter, because they were the first occupants of an advanced position in purifying city politics, and title by occupancy is one of the titles recognized by law.

All things, however, are not equal as far as the heads of the two tickets are concerned, and to that I shall now briefly refer. Conceding that Mr. Parker and Mr. Wells are of equal intelligence, Mr. Wells is the far younger man, and is consequently able to bring to the discharge of his official duties greater physical vigor, and mental endurance. He is in the full vigor of his manhood, and the four years ahead of him are four of the best years of his life. The public is entitled to the services of the best years of a man's life, and not to those which are commonly ranked as years of decline. In the next place, Mr. Wells can enter upon the discharge of his official duties wholly unpledged to any one. That was the condition on which he accepted the nomination, and his manly utterances on every occasion since he did so, plainly indicate that he intends to exercise the duties of his office if elected, without fear or favor.

Mr. Parker cannot do this, even were he inclined to do so, and there seems to be well founded doubt that he is inclined to do so. When he made his first appearance in the canvass flanked by the two immaculate patriots, Henry Ziegenhein and Chris. Schawacker, with Florsheim Würzburger and other reformers bringing up the procession, and forming prominent parts of the show, he is reported to have said "the nuts belong to the boys." His apologists say he qualified this remark by adding "if they are clean and possess the proper qualifications." What qualifications? Has any sane man ever doubted the qualification of the boys to eat the nuts? They have eaten the kernels for the last four years, in person and by proxy, and left us nothing but the bitter rind, and the hard shell, the husks, so to speak. Nor can there be the least misconception as to the meaning of the term "boys." Every



one who has anything to do with practical politics knows who the boys are. They are a set more or less harmless, who make their living by politics, commanders of cohorts white and red, known as ward heelers, shouters at meetings, and firers of rockets, whom no one has ever suspected of possessing any higher qualifications for office, than eating the nuts after they got them. I do not care which horn of the dilemma you take. Either Mr. Parker was sincere in his remark about the nuts, and then no radical reformer can be expected to support him, or he was insincere, and then he is unfit to be Mayor, because the Mayor of a great city should above all things be sincere.

Mr. Parker's next appearance in public of which I saw any account was characterized by a remark equally designed to repel every independent voter. It was an earnest appeal to his supporters not to scratch any name on the ticket. Where there are two or more tickets in the field for municipal offices, each containing more than fourteen names, it is next to impossible, if the tickets are in any way respectable, that all the candidates on one ticket should be composed of fitter men than those on the others. It is the right and duty of every voter who has the best interests of the city alone at heart, to discriminate and to exercise his choice. Mr. Parker appeals to his hearers to forego that choice, and thus places party welfare above the welfare of the city, and makes that which is a public trust, a private snap.

One word more and I shall close. An issue is sought to be injected into the present canvass, which in the very nature of things cannot be at present an issue before the people, and that is the municipal ownership of public utilities. I rejoice to see that every candidate has announced himself in favor of that principle. It is a correct principle, has worked admirably in Europe, and in some American cities, and under proper safeguards is bound to work well everywhere. But how is that issue a living issue now? If the city is to acquire public utilities owned



by corporations or individuals, it has to pay for them. The Constitution provides that "private property shall not be taken or damaged for public use without just compensation." Where is the money in the city of St. Louis to come from, to pay for these public utilities? The city's public debt is up to its constitutional limit; it cannot contract a debt for another farthing without a new constitutional warrant. The legislature which has just adjourned has failed to provide for calling a constitutional convention. Should the next legislature provide for such a call, the convention could not take place for nearly three years to come, nor could a constitutional amendment be submitted to the people for nearly four years to come. What is the sense of placing at present an issue before the people, on which we all agree, and with which we practically can do nothing, for many years to come. Let us deal with living issues.

The city of St. Louis is looking forward to a new era of prosperity. Within three years it will entertain within its limits visitors from all nations. Its present condition is deplorable, and the time for remedying matters is short. If we want to show our guests a model city, a new St. Louis, which has risen Phœnix-like from the ashes of the old, let us elect for its chief magistrate a man of youthful and indomitable energy, of firm will, a man unhampered by traditions of the past, and unfettered by obligations to its former looters. That man in my opinion is Rolla Wells.

### **HIS HUMOR.**

He enjoyed all his life a keen sense of humor, to the material benefit of his physical condition. In fact, in the opinion of his friends, he was quite a success himself, as a humorous writer and speaker. When suffering from one of his gloomy moods, to which he was very much subject at one period of his life, he would sit down and write some

humorous snatches, and after they had performed their office of making him laugh heartily, and thus get rid of the dumps, he would tear up the slips, throw them away, and go to work again at something more serious. He was a good squib writer. In exciting political campaigns, he would send squibs which he had composed to the editor of the leading Republican paper in St. Louis, who had a national reputation as a squib writer. These squibs were considered good enough by the editor to use them as editorial squibs.

I insert here, by way of illustration, one of his efforts at humor, which, owing to the subject it dealt with, did at the time of its publication, create quite a sensation. At a festival held in 1888, by the Legion of Honor, a well-known benevolent organization, part of the programme was a mock trial of a breach of promise suit, before a full bench and a jury. The *mis en scene* was very good. A number of prominent lawyers acted as judges, and Roderick, at the time presiding judge of the St. Louis Court of Appeals, acted as Chief Justice. Gus Thomas, afterwards a playwright of some note, and at the time a youth of considerable wit, acted as the fair plaintiff, and was done up to kill, although his voice, which was a deep base, did not harmonize with his apparel. The hall in which the performance took place, was one of the largest in the city, and was crowded to suffocation.

After a number of witnesses were examined for both parties,—the defense relying mainly upon the fact that the plaintiff was a confirmed flirt, and that by her acts as such the defendant had suffered indignities which rendered his condition intolerable;—Roderick, in summing up, charged the jury as follows:—

**Gentlemen of the Jury:** Let me first thank you for having kept awake during the entire time of this protracted trial, and thus again refuted the slanderous charge of the

maligners of our jury system, who maintain, that during every important trial one-half of the jury fall asleep.

We have been requested, both by the plaintiff's and by the defendant's counsel, to give you a large number of instructions touching the law of this case, as prepared by them. We have given all the instructions thus asked, but will not trouble you with reading them, nor with taking them to the jury-room, where they might be lost or destroyed. We have ordered the clerk to file them away safely, so that in case of an appeal by either party they may be utilized in completing the record. This, as you are aware, is the only legitimate province and practical use of instructions.

The case before you, gentlemen, is one touching a very important subject—marriage. The two most essential elements in civilization, requisite to the existence and continuity of the modern state, are marriage and taxes, and as marriage is admitted to be quite a tax in itself, we may consider it as the most essential.

Now the action for breach of promise of marriage, is mainly distinguishable from other actions, in this, that it will not lie if the adversary parties belong to the same sex. No well authenticated precedent can be found, tending to show that this action has ever been brought by one man against another. Nor has any case been called to my attention where the action was brought by one woman against another. Still I do not wish to be understood as asserting that this last contingency never occurred, since it is impossible to say what a woman may, or may not do, when her blood is up. Fortunately, gentlemen, we are not harassed with resolving that doubt in the present instance, since it is conceded by the evidence that the plaintiff is a woman. and the defendant is a man; in fact, no one who saw the plaintiff and heard her testify, could for a moment entertain any doubt as to her sex. Thus we may assume at the threshold of our inquiry, that there is no defect of parties in this case.

Another fact equally important, the testimony likewise concedes, namely, that the defendant is either innocent or else guilty of the breach of promise with which he stands charged. The importance of this fact cannot be over-estimated, because if he could not possibly be guilty under the evidence, or could not possibly be innocent—that is, if the testimony were all one way, this would greatly curtail, if not entirely abrogate, your prerogative as jurors, to find a verdict based solely on your sympathies, or other motives of equal weight and consideration.

The two main points in the case being thus settled, it only remains to charge you briefly on the points of law, and your duties in the premises.

On all subjects not covered by statutes, we are supposed to be governed by the common law of England. Breach of promise of marriage is one of those subjects. Our legislators, who could not conceive the possibility of any man refusing to marry a woman, particularly if she was young and pretty and willing to marry him, have not provided by statute for such a case. This action, therefore, must be governed by the rules of the common law. But what common law? Now, gentlemen, it is generally supposed that there is only one common law, but we who have been charged with the trial of causes for many years know better. Common law is nothing but immemorial usage or custom, and there are two kinds of it, the common law of England, and the common law of Juries. This duality in the common law has led to this absurd result, that while Judges charged Juries according to the common law of England, Juries returned verdicts according to a common law of their own. I shall not fall into the same error with my predecessors, and thereby aid in perpetuating this irreconcilable conflict, but will at once proceed to charge you according to what I understand to be the common law of Juries, as that is, after all, the only one of any practical importance in this class of cases.

One of the principal features of this law is, that the



character of the parties litigant is a very important, if not a controlling feature in determining the verdict. Thus, if the defendant is a railroad company or an insurance company, all admissible presumptions must be drawn in favor of the plaintiff, and he is generally entitled to a verdict, regardless of the mere secondary matter of evidence. This is the immemorial custom of Juries, and therefore their common law.

So it is a similar immemorial usage that if the plaintiff is a woman and the defendant a man, to find for the plaintiff. No departure from this rule is on record in any case where the plaintiff, as in the present instance, was young, pretty, witty and vivacious. Some say that the foundation of this custom of juries is the gallantry of the sex. This proposition, however, I must deny. The true foundation, gentlemen, is the regard men have for their mothers.

One of the great charter rights, which your ancestors, gentlemen, wrung from a reluctant tyrant at Runnymede, at the point of the battle axe, is the right to have a mother. This right is, so to speak, one of the palladia of our liberties, and is indirectly recognized in our Declaration of Independence, in this wise. If we had no mother, we could have no existence, and if we had no existence, we could not be engaged in the pursuit of happiness; yet to be thus engaged, is, as every schoolboy knows, one of our inalienable rights, even though, unfortunately for us, this pursuit, like the pursuit of a train robber, rarely results in capture.

What I have stated above may in itself be sufficient to guide you to the true verdict; still, if you also desire to pay some attention to the secondary matter of testimony, you should be guided by the following rules: If you believe the plaintiff and her witnesses are entitled to no credit, you will disbelieve them, unless you further believe that the plaintiff should have a verdict anyhow. If you find that the defendant's witnesses have de-



parted from the truth, you will reject their testimony, unless your sympathies are with the defendant.

Far be it from me to comment on the evidence. That matter is exclusively for you, gentlemen. Still, I cannot forego making a passing remark or two on that subject. I think the promise, with all the appurtenances, sufficiently proven. The testimony of the fair plaintiff has unquestionably strongly impressed you with the probability of its truth. The life-like picture of the situation could not be mistaken; you all know that situation, because, to use an expressive phrase, you have unquestionably all been there, at some time or another.

The promise being thus established, the question is, was there any cause given justifying its breach. The main if not only cause, we are told, is flirtation with another man. But is this a cause? Is not the right to flirt, one of the inalienable rights of woman? Is it not the pursuit of her happiness? Was the Declaration of Independence written for man alone? I need say no more.

I think these few suggestions are sufficient to determine your verdict as to which party should prevail; if not, you will have to determine it upon deliberation. I am sorry to say that as to the method of deliberation the authorities treating on the custom of juries are not quite agreed. Drawing straws, chuck-a-farthing and toss-a-penny, have all got their supporters, but I am of the opinion, that the best three out of five in the national game of Euchre, between the leaders of the opposing factions in the jury room, is more in harmony with the genius of our institutions, and a proceeding equally well supported by reason and authority.

Having first settled the right or wrong of the case, and in one of the manners suggested, determined to find either for the plaintiff or for the defendant, the further inquiry as to the damages remains, in case you find for the plaintiff. The question of damages is one of the very gravest importance. It is the only one in which the plaintiff and

her lawyer are equally and evenly interested, and therefore must be handled by you with a great deal of care.

If the plaintiff has a verdict, she is entitled by way of damages to all she has lost, and to all she has found, by the defendant's unwarranted conduct in breaking off the match. Now what has she lost? She has lost the comfort of the defendant's society, and she has lost the comfort of turning up her nose at some other woman, who has missed getting a husband. She has probably also lost the comfort of a sealskin sack, and many other comforts too numerous to mention. And what has she found? She has found wounded affections; she has found that her best friend, who envied her with all her heart, now secretly rejoices at her discomfiture; she has found mental anguish, lacerated feelings and a whole lot of other disagreeable things. For all these things, gentlemen, she is entitled to full compensation. But here is the rub. How is this compensation to be measured? Most of these things have no market value except, perhaps, the sealskin sack. Who ever heard of Famous or Crawford advertising wounded affections and lacerated feelings, prime quality, at so much a yard? Neither are these articles sold upon our Exchange either for cash or for future delivery. Not the most venturesome of our speculators ever got up a corner on mental anguish, although mental anguish has been the result of many a corner.

Here again, gentlemen, the great superiority of the common law of Juries over the common law of England, for all practical purposes, is manifest. The simplest and most approved method to reach a result is this: After you have agreed that the plaintiff is to have a verdict, each of you takes the wounded affections, comfort of society, sealskin sack, and all other comforts and discomforts lost and found by the plaintiff, and above enumerated, and each of you makes a lumping estimate, so much for the lot, and having thus made the estimate, writes it down on a piece of paper. After every one of you has done this, the esti-

mates are footed up, and their aggregate is divided by the number of jurors.

Thus, I am proud to say, has the practical mind of the American Juror found a ready solution, even in the most complicated cases, of the admeasurement of damages.

This charge, as above stated, created quite a sensation. It was republished in some of the dailies of the State; in the leading American law periodical, and also in one of the law journals of Great Britain. Fifteen or twenty thousand copies were published in pamphlet form, by some law publishers in St. Louis, as an appendix to their catalogue.

The object with which it was written, may here be briefly stated. Roderick realized that ridicule is the keenest weapon. He was far from being an unconditional admirer of trial by jury, and was fully alive to its many defects, particularly in civil cases. In England, where it originated, it at one time had served to insure to parties charged with crime, at least the semblance of a fair trial. It must be remembered, however, that the English criminal law, in early days, was exceedingly cruel, even trivial offenses being punishable capitally, and that the accused up to a comparatively recent date, was not even entitled to be represented by counsel. On the other hand the Judges were creatures of the Crown, wholly dependent for their station and emoluments on the grace of the sovereign, and in some rare instances the unscrupulous executors of his will. All these conditions however were part of a semi-barbarous past. In modern times, and particularly in the United States of America, the law had provided the most minute safeguards for the protection of the citizen's life, and liberty, and it became more essential to protect society from the criminal, than to protect the criminal from the ire of society.

While it may be said with some show of reason that in criminal cases the jury, so to speak, represent the tender conscience of the law, and can thus temper its harsher

edicts, by making allowance for the frailties of human nature, it is not so in civil cases. The jury in civil cases, being taken from the body of the community, frequently substitute their prevalent prejudices for the law of the land. Trial by jury is moreover not only cumbersome, and a great waste of the time of courts, but a great waste of the time of the juries. They are cooped up in our dingy court-rooms, waiting sometimes for days to be called, when they might devote their time to their better advantage, and that of the commonwealth, by improving its industrial and agricultural conditions.

One of the main pleas in favor of jury trials in civil cases, namely, that they furnish a school wherein the mass of citizens may acquire a better knowledge of our laws, is the merest sham. Roderick, who took great pains in that regard, found it difficult to make jurors understand even the simplest propositions of law, and was forced in several instances to set aside verdicts before the panel of jurors left the bench. Upon repeated discussion of the subject with intelligent jurors who attended his court, he became satisfied, that the benefit derived by jurors in getting a clearer conception of the law, by attending courts, was infinitesimal.

At the time, when this charge was delivered, many leading jurists on both sides of the Atlantic, and among them Lord Coleridge, the Chief Justice of England, had taken a very decided stand against the continuation of trial by jury in its then form.

### **HIS WORK AS AN EDUCATOR.**

During his maturer age, Roderick took an active interest in the cause of education. By education I mean not only the tuition of young people in book learning, but also the endeavor to elevate all people to a higher moral and intellectual plane. Great part of the time which he spent on the bench, and all the time which he spent on the lec-



ture platform, whether in or outside of college halls, may properly be classified as being devoted to educational purposes. He was a frequent contributor to the daily press, both English and German, and by request a frequent writer of editorials. He became attorney for the Board of President and Directors of the St. Louis Public Schools in 1871, and held the office until 1878, when he resigned it. He also became attorney of the Board of Education of the City of St. Louis, upon the organization of that corporation in 1897, and holds the office at this date. It was his pride that during the entire time, covering a period of 13 years, while he was attorney of these educational corporations, no vote was cast and no action was taken by either of the Boards, contrary to his advice.

Within three years after the foundation of the St. Louis Law School, he became one of its professors, without remuneration, and he continued as such until his professional work at the bar interfered with his duties as a professor to such an extent, that he was forced to resign the latter position. In 1894, when his former associate on the bench, Geo. A. Madill, retired after 25 years of devoted service from the Professorship of Equity and Real Property, which he had himself liberally endowed, Roderick, at his solicitation, and upon the request of the trustees of the College and of the faculty of the school, became his successor, and continued as such until the end of the scholastic year 1899, when for the reason above stated he again found himself forced to retire.

His relations, both to the faculty and to the students, during both terms of his professorship, were of the pleasiest nature, and not marred by a single disagreeable incident. He was in the school, as he was in other official positions he held, a strict disciplinarian. He made it a point however to impress his pupils with the conviction, that he took an earnest interest in their welfare and studies, and he enjoyed their confidence and affection. Prior to the severance of his relations with the school they presented



him with a much-cherished souvenir, and a touching address. He was I believe the only one of the professors, or lecturers of the school who was thus complimented at any time.

### HIS FAMILY.

I stated in the beginning of this sketch, that Roderick was the third son, and fourth child of his parents. They had ten children, five girls and five boys. Of these two girls and one boy died before the family removed to America. Richard, his next oldest brother, a soldier in the Hungarian revolutionary army of 1848, was severely wounded at the disastrous battle of Vizakna, in Transylvania, died of his wounds, and rests in an unknown grave. His two youngest sisters, Clara and Irma, died during the same stormy period, and lie buried in the cemetery on the Rákos, at Budapest. His oldest sister, Bertha, died in Davenport, Iowa, in 1852, and lies buried there by the side of her father. His younger sister, Emma, the wife of Gustavus A. Finkelnburg, a prominent lawyer in the city of St. Louis, died in that city in 1886, and lies buried in Bellefontaine cemetery. His next younger brother, Roland, died on a solitary trail in the wilderness near Missoula, Montana, in 1898, and lies buried near Phillipsburg, in that State.

One of his sisters, Ida, the wife of John T. Fiála, of San Francisco, California, and two of his brothers, Robert, the oldest, and Raphael, the youngest, still survive, the former a resident of St. Louis, and the latter of Kirksville, Adair County, in the State of Missouri. All of the adult male members of his family bore arms in the cause of liberty in his native land in 1848, and all bore arms in the same cause in their adopted country. His three surviving brothers, his two brothers-in-law, and himself, were among the first to enlist under the flag of the Union in 1861.

Roderick married, December 28, 1865, Augusta, the second

daughter of Gustavus Koerner, formerly Supreme Judge, and Lieutenant-Governor of the State of Illinois, United States minister to Spain under the Presidency of Lincoln, and Colonel on the staff of General Frémont. The issue of this marriage were seven children, three boys and four girls, Theodore, Edgar, Alfred, Bertha, Sophia, Pauline and Irma, all of whom survive, with the exception of Pauline, an exceedingly bright and attractive child, who died in St. Louis, Missouri, in 1884, when six years old, and was buried at Belleville, Illinois, the original home of her mother. He was much attached to his children, although reserved in disposition, and not at all demonstrative. Most of his children were more attached to their mother, than to him. This was unavoidable, since their views of the aims and duties of life, corresponded more with hers than his, and since her devotion to them was marked and unquestionable.

His relation to the parents of his wife were throughout of the pleasantest nature. He never knew from experience the proverbial mother-in-law. Although at times serious differences existed between himself and his father-in-law, both as to public and domestic affairs, they in no way interfered with their friendly relations. When his father-in-law, after a long and useful life, died in 1896, at the advanced age of 87, he left no sincerer mourner behind him than Roderick, whom he named first among the executors of his will.

The various losses of dear ones caused him great sorrow. He was not given to outward demonstrations of grief, but unfortunately much addicted to nursing it. The loss of his little daughter Pauline, who was a great favorite with him, was a particularly severe blow, and inflicted one of those wounds which never heal. When she was quite a baby he took her with him on one of his camping tours in the wilds of Colorado, and ever after called her the child of the mountains. The year after her loss, when roaming solitary over the places in the wilderness, made

dear to him by the memories of her former presence, he wrote the following lines:—

She heard the gentle pattering of the showers  
 Upon the white wings of the spreading tent,  
 She listened to the low song of the flowers,  
 All with a wond'ring look, of what it meant.  
 The lofty hills, crowned with autumnal glory,  
 Fanned her fair brow, with breezes cool and mild,  
 Which whispered in her ears the fairy story,  
 Of how the mountains came, to greet their child

---

O, soul of mine, with all thy aspiration,  
 Speak! shall this ancient sorrow ever die?  
 In solitude thou seekest consolation,  
 Its echoes but return thy mournful cry.  
 The laughing waters, and the wailing wind  
 Which bends the redwood into swayings wild,  
 All things which sound, resound it to my mind,  
 The mountains send a greeting to their child.  
 Their child and mine once, but our child no more,  
 A fairy queen now, on the silent shore.

### EXPLANATORY.

Roderick's transatlantic relatives and friends, who will read the foregoing, may be surprised at the apparent exaggeration of his accomplishments, by his American friends. It may also seem strange to them that all accounts of adverse criticism of his public and domestic life, is omitted. In explanation I may say to them, that the American people are very generous, and are more given to the use of superlatives than Europeans, excepting the French.

I could make use of public expressions only, since I am not aware of the private opinion of those who knew him best. He was exceedingly fortunate in this, that while he was in public life for nearly half a century and never minced his words, the unkind things which were published concerning him, would hardly fill a few octavo pages, while the kind things thus published would fill a volume of very respectable dimensions. He attributed his immunity from

personal abuse, which unfortunately is very common in American public life, to the fact, that even those who differed from him on political and social questions, always gave him credit for sincerity, for the courage of his convictions, and for a desire to subordinate his own advancement to the general welfare of the Commonwealth.

### RETROSPECT.

As I look back, through the vista of the past, time's curtain rises, and I see the entire panorama of Roderick's life. I see the curly-headed, unmanageable boy, romping over the hills and valleys of upper Hungary, and lording it over his rustic playmates. I see him rebel against the tyranny of his teachers and resolve to become a bandit. I see him drag weary years through the curriculum, with more taste for dreaming than for books. I see him a tiny member of a student guard lugging a smooth-bore musket, too heavy for him to pack. I see him on a railroad train, flying over the plains of Hungary, intently gazing towards Buda, until he can see its smoking ruins, and the victorious tricolor flying over them. I see him standing on the deck of an emigrant ship and looking wistfully towards the receding shores of Europe, and then again standing on the wave-washed decks of the ship, aiding to save it. I see him walking behind a team of fractious oxen, breaking the virgin soil of the prairies of Iowa, and humming the "beatus ille" of Horace. I see him with level and transit marking out the iron highway of civilization over the prairies of Illinois. I see him bid farewell to his morbid ambition, and settle down to earnest and useful work. I see him tackle Coke's Institutes, and Blackstone's Commentaries, and try to assimilate food for which he has no craving. I see him in the swamps of Southeast Missouri, and the hills of West Virginia, following the Red, White and Blue. I see him in the vast wil-

derness of the West, gazing on endless herds of buffaloes, and listening to the savage warwhoop of the Indian. I see him on the bench meting out justice, fearlessly, and to the best of his ability. I see him stand before the highest tribunal of the land, and vindicate successfully, the sovereign rights of his adopted State. I see him on the lecture platform trying to elevate the standard of his profession. I see him in the conventions and popular assemblies, trying to better the political conditions of his adopted people. I hear him lampoon the unaltered continuation of the effete institutions of the past, and hear the hall resound with merry laughter while he speaks. I hear him glorify the memory of dead patriot heroes, and hear people sobbing while they listen. I see him in the weird mountains of the West, tearing deep furrows into the surface, in search of their treasure. I see him standing on Hungary's most ancient ruin, with the past chieftain of liberty's hosts, and gaze over the hills and valleys of battlefields of forty-eight years ago.

And of a sudden the air grows redolent with the faint odor of violets, and soft hands are placed into his, with a trust that shall never fade, until he stands near open graves pressing his hands on wounds that never heal. And then

Over all amain  
Time's rolling curtain falls, never to rise again.







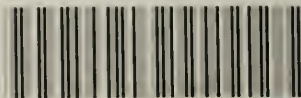


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